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CONNECTED WITH THE PALATINE COUNTIES OF

LANCASTER AND CHESTER.

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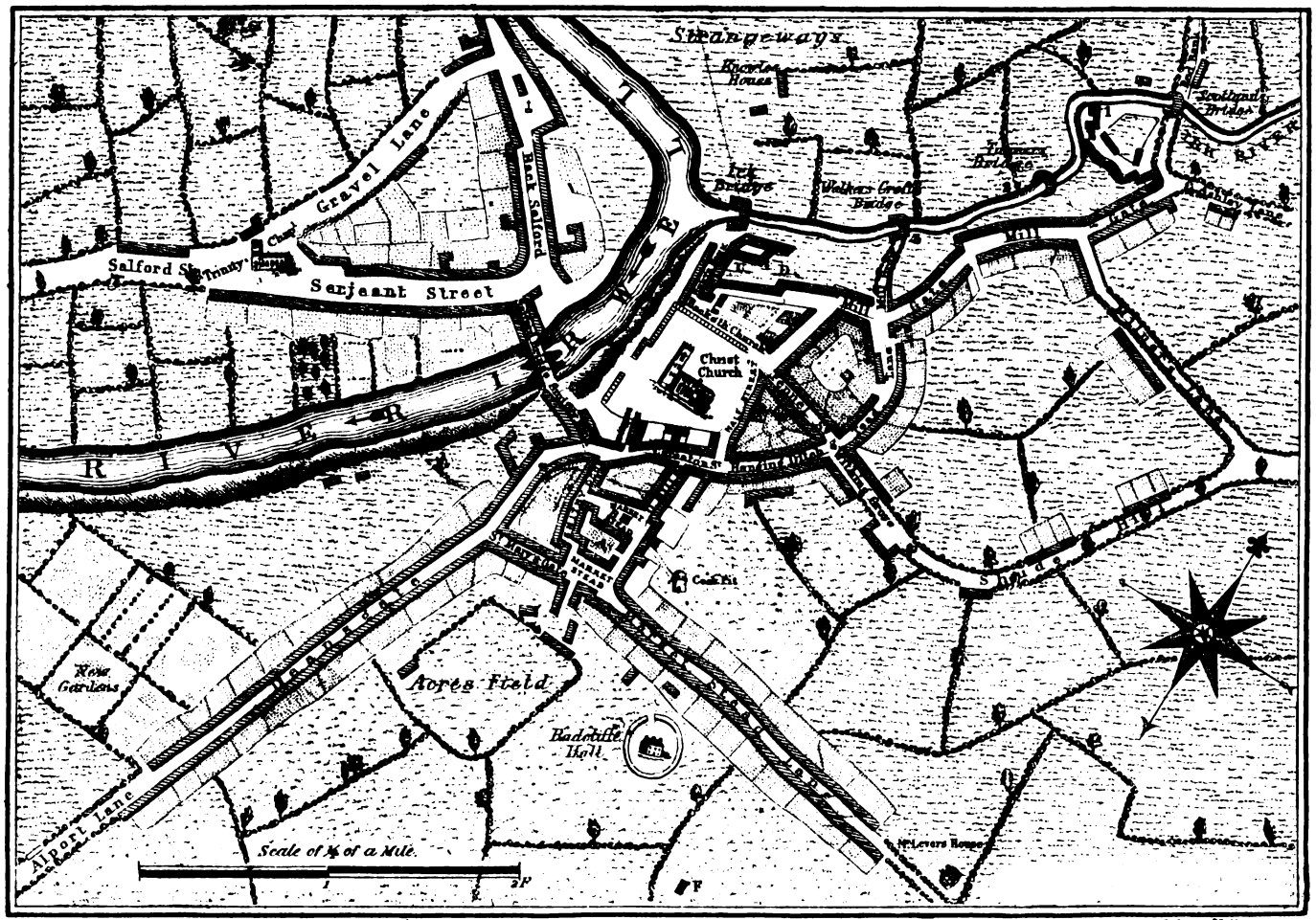

A Plan of MANCHESTER and SALFORD taken about 1650.

A VOLUME

OF

COURT LEET RECORDS

OF THE

MANOR OF MANCHESTER

IN THE

SIXTEENTH CENTURY.

COMPILED AND EDITED

BY JOHN HARLAND, F.S.A.

PRINTED FOR THE CHETHAM SOCIETY.

M.DCCC.LXIV.

INTRODUCTION.

THE manorial and municipal history of Manchester, in its earlier periods, it has been attempted to unfold, so far as existing records and documents would admit, in a previous work of the CHETHAM SOCIETY, entitled *Mamecestre;* which, while slightly noticing the place in Roman and Saxon times, may be said to contain nearly all that is known of it from documents, from the Conquest to the year 1473. The present volume resumes its annals, after a lapse of about eighty years, in the year 1552, and carries them forward to the year 1586. Similar materials exist for continuing such annals, with one gap of forty-five years and a few smaller *lacunæ*, to the close of the eighteenth century, if it should be thought desirable hereafter to advance them so far towards the present time.

In the year 1846, when the agreement was completed by which the Corporation of the newly created municipal borough of Manchester engaged to purchase the manor and manorial rights of the present venerable and respected Sir OSWALD MOSLEY Bart., the last individual lord of the manor, the Editor of this volume suggested that, as part of the purchase, the Corporation were entitled to all the old

volumes of Records of the Court Leet, held half-yearly, till that year, under the authority of the lord of the manor, and presided over by his steward, usually a barrister of standing. The Town Clerk (JOSEPH HERON Esq.) at once applied for the books, which were handed over to the Corporation, and are now placed amongst their archives in the Town Hall. By favour of the then municipal authorities, the Editor was permitted to examine these books, which consisted of seven folio volumes, all except the first of large size and thickness, — as befitting the oldest ledgers of the manor. As illustrating many ancient local laws and usages, as well as the general course of manorial town-government, centuries ago, these books seemed worth making better known, and the Editor accordingly published, in the years 1847 and 1848, a series of extracts from all the volumes, in the *Manchester Guardian* newspaper, which he was encouraged to continue by the interest and approval expressed by several able antiquaries and by many local friends.

Since that time the Court Leet Records have remained undisturbed, with one regretable exception, amongst the archives of the municipal body. That exception is caused by the mysterious disappearance of the earliest and smallest of the volumes, which was first missed about three years ago, and which the most persevering search in the public offices, and the most minute inquiries in every probable quarter, have failed to recover. As containing the oldest records, beginning in the reign of Edward VI. and extending to that of Elizabeth, it was, perhaps, the most interesting volume in the series, and its loss is no small one to the

local historian. That this loss may not be as large as it otherwise might prove, if the missing volume should never be recovered, it has been thought desirable to reprint the extracts from it, which appeared in the columns of the newspaper in 1847; and hence the present volume. The description of the missing book, then given, is here reprinted, in the hope that it may lead to its identification and restoration by its present, perhaps honest but unwitting possessor. It is of coarse foolscap paper, folio, in a vellum or parchment cover, outside which is written in a modern hand, "4th Octr: 6th Edwd: 6th. Manchester. C." This C probably denoted that it was the Court Book. The volume commences with the records of the Court Leet of the 4th October 1552, being the sixth year of the reign of Edward VI., and ends with that of the 7th April 1586, being the twenty-eighth year of the reign of Elizabeth; thus extending over a period of about thirty-three years and a half. The volume is numbered on the top of every right-hand page, not reckoning by pages, but by leaves (as 81 *recto et verso*), and the numbers extend from 1 to 131.*

* Some leaves (numbers 28 to 31 inclusive) are loose from the book, but are fastened together by twine stitched at the top of the leaves. They have been inserted in their present place in the volume by mistake, being several years posterior in date. The Court entries immediately preceding are of the 10th April 1561; the loose leaves are of 1569; and the next fast leaf (32) should immediately follow leaf 27, as is shown by its having the last entry of the same leet, immediately followed by the heading of the leet of 21st October 1561, — the same year as that of leaf 27. Leaves 50, 51, 52 are also loose, but in their right place. The loose leaves 29 and 30 did not originally belong to the book; but are in fact two original letters, with autograph signa-

"All the loose leaves should be secured in the book, which ought to be very carefully repaired (what is technically termed inlaid and mounted) and re-bound, as the old leaves, of soft paper, have almost altogether become detached from the twine which held them to the parchment cover, and the book generally is in a tattered and unsafe condition." This sentence, printed in May, 1849, is supposed to have caused the book to be sent to some careful bookbinder for re-binding. Perhaps in this way it has been laid aside, overlooked, and so lost.

It is easy for the carping critic to say that its contents were not worth reprinting in the present volume. But while London has in print its *Liber Albus* and its *Liber Custumarum;* while York and Leeds and Yarmouth, and many other smaller towns, have had their early municipal archives and the proceedings of their local courts preserved by publication; — it can scarcely be necessary to offer an apology for thus conserving similar records of the sixteenth century, relating to the second city of England. That it is not what is usually called an interesting book to the general reader, no one can be more fully conscious than its Compiler and Editor. But if it be desirable to possess a picture, truthful if not brilliant, of the life and manners, the habits and customs, the laws and usages, of a small manufacturing community three centuries ago, and that community the predecessors, if not in many cases the ancestors, of the present community of Manchester, — then this volume will not

tures, of Edward third Earl of Derby (for which see pp. 114, 115 *post.*) as steward of the Lord De la Warre for his manor of Manchester.

be wholly valueless, or without interest or use. How the people of this little town were ruled; what power was vested in their governors; how they lived, ate and drank, bought and sold, built and pulled down; how they were supplied with wheat and corn, fruit and vegetables, bread and water and ale; with flesh meat and poultry; with cloth and leather, hats and caps, boots and shoes; how tradesmen had their businesses shackled by strange and foolish restrictions; how those who made or sold bad articles were dealt with; how bakers and alesellers were regulated by "the Assise of Bread and Ale," and punished by fines, by stocks and pillory; how rigidly all the manipulators in leather, tanners, tawers and dressers, curriers and shoemakers, were liable to penalties for gashing and otherwise maltreating hides and skins, or for one following not only his own branch of trade, but that of another, or for dealing with leather not stamped or sealed by the official sealer; how butter or even suet was prohibited in bread or cakes for sale, and wedding-dinners at public houses were limited to a cost of fourpence per head; how every burgess and other inhabitant was bound to do suit and service, by attendance at least, at the Leet Court, and every inhabitant required to sweep before his door, and to repair the street from his frontage to the crown of the road, to grind at the lord's mill and bake at the lord's oven; and how all had to get their water from the Conduit in regular "cále" or turn; — all these and a thousand other details of social every-day town life in the sixteenth century, are here recorded for the information and amusement of succeeding generations. Nothing scarcely was

too large, certainly nothing too small, for presentment to and adjudication by the Court Leet jury. An Earl of Derby presided personally in this court as the steward of the lord of the manor; and a whole regiment of manorial officers were present, from the clerk of the court, the boroughreeve and constables, the catchpoll, the lord's bailiff, the bylaw-men, and the market-lookers of fish and flesh and white meats, down to the ale-conners, scavengers, dog-muzzlers, pinder and swineherd. Amongst the local institutions may be named the waitts or town minstrels, the fountain and conduit, the booths, (apparently sessions and court house and market hall); the archery butts, the cockpit, the pound or pinfold, the lord's mill and his bakehouse, the gallows and pillory, the stocks, the whipping-post, tumbrel, brank or bridle for scolds, and the ducking-stool and pond for disorderly women. The law as to nuisances gave both jury and manorial officers more employment than any other portion of their duties. Encroachments on the lord's waste (*i.e.* all his land unbuilt upon and not highway); pig-cotes and daub-holes on the footpaths and in the carriage ways; filth left before doors and in the gutters; uncleansed "jakes," ashpits and cess-pools; — these are but a small portion of the vast accumulation of "noisances" under which groaned and suffered the inhabitants of old Manchester. Then there was the legislation for and about animals. Cows, horses, sheep, pigs, dogs, — all required regulation, and had it. Pigs, as the most perverse animals, required the firmest and most rigorous handling; and hundreds of folio pages of jury orders relate to "swine" alone, and their numerous misdeeds

and nuisances, their eating corn in the market, and desecrating the church yard. Amongst the heaviest fines, or as they were called "amercements," on the butchers, were those for selling bull-beef, the bull not having been previously baited to make the flesh tender enough for human food. Dogs, whether mastiff or ban-dog, were to be kept tied up, or at least were not to go abroad unmuzzled. There is scarcely a permanent committee of the present Manchester Council (excepting of course the parks, the library and the gas committees) of the functions of which some rude prototype is not presented in these records. Amongst the offences of these old times, some would puzzle, and more amuse, the magistrate or lawyer of the present day. Forestalling, engrossing, regrating, selling before the market-bell had rung, &c. may be understood; but one man is charged with slander and being a "reveller;" others with "easing" or "eaves-dropping;" others again with putting butter or suet in cakes; others with selling horse-bread; others with taking more than 4*d.* a head at wedding-dinners; others with foddering horses in the streets, or washing beasts' entrails at the Conduit, or emptying *jakes* into the river Irwell, over the parapet of Salford bridge, or down the adjacent stairs to the river. Single or unmarried women are prohibited selling ale, making and selling bread, &c. Amongst unlawful games are cards, dice, loggats, bowls, and giddy-gaddy, or cat's pallet. Swords and other weapons are forbidden to be worn, and none save "worshipful and right worshipful" persons are allowed to wear hats; cap-makers being appointed to go to church to note all delinquents. Waitts are

to "do their duty and use themselves honestly as honest men owe to do." Watchmen are to be "honest, discreet, and sober men, being able to yield account of their living favourites to virtue and enemies to vice." No man is to take a lodger, unless satisfied he can earn his living without begging. Even water dropping from the eaves is an offence, gravely set forth in a cloud of words, and the offender is solemnly amerced for his offence.

Aided, then, by the plan of the town, as it is said to have existed about the year 1650* (*see Frontispiece*), with such

* Annexed to this old plan was a description of the towns of Manchester and Salford at that period, which gives the following information: "The people in and about the town are said to be in general the most industrious in their callings of any in the northern parts of this kingdom. The town is a mile in length, the streets open and clean kept, and the buildings good. There are four market-places [probably including the fish-market and apple-market], two market-days weekly [Tuesday and Saturday], and three fairs yearly [one at Easter at Knot Mill; another called Acres or Ackers Fair, held in Acres Field on the eve, day and morrow of St. Matthew, September 20, 21 and 22; and the third at Whitsuntide, in Salford. There was also a fourth, called "Dirt Fair," held in Salford on the 17th November]. The trade is not inferior to that of many cities in the kingdom, chiefly consisting in woollen friezes, fustians, sack cloths, mingled stuffs, caps, inkles, tapes, points, &c.; whereby not only the better sort of men are employed, but also the very children by their own labour can maintain themselves. There are besides all kinds of foreign merchandise bought and returned by the merchants of the town, amounting to the sum of many thousands of pounds weekly. There are in the town forty-eight subsidy-men [wealthy enough to contribute to the royal subsidies], besides a great number of burgesses [there were probably about one hundred and fifty burgages in 1473]; and four quarter sessions are held in it. The town is governed by a steward, a head-borough [or boroughreeve], and two constables, with a deputy constable and several inferior officers;

subtractions from its extent as seem needed for the slow growth of buildings from the period included within this volume (1552–1586), the reader may be enabled to form some idea of Manchester as it was in the latter half of the sixteenth century.

Let us try to see Manchester and its people on a bright summer morning three centuries ago, when England was ruled by the youthful Edward VI., or his elder sister Mary, or his younger sister Elizabeth. It is hard to realise the picture of Manchester under a bright, clear sky; the blue vault undimmed by clouds, unobscured by the foul smoke-canopy of more modern times, — but such it was three hundred years ago. Round the new stone church, at once parish and collegiate, were grouped the chief buildings of the little town. On its north side, or, as it was called in the homely language of the period, "back o' th' church," was the Bull Oak, where bulls were baited, in order to make bull-beef tender. Beyond this venerable tree were the gates opening into the official residence of the Collegiate body, the warden and fellows, then (as still by very large classes of people) called "The College," — now Chetham's Hospital, School and Library. Near it, extending towards Long Millgate, was the old apple-market; while in Fennel Street was probably the ancient market for hay. On the

and great commendation is given to the regular and orderly manner in which things are conducted. The parish is said to be at least twenty-two miles in compass [34,507 statute acres], within which are eight chapels [Newton, Gorton, Chorlton, Stretford, Denton, Didsbury, Blakeley and Salford], said to contain twenty-seven thousand communicants."

other sides of the old church-yard (which was then but badly fenced, for swine were continually straying and routing in the consecrated ground), especially east and west of the edifice, were several notorious alehouses, the precursors of the Blackamoor's Head, the Ring o' Bells, and others existing in the present century, where wedding-dinners were celebrated, on the old fashion of every guest paying his share to the cost of the feast. Passing southward by the remains of the Hanging Bridge over the Hanging Ditch, which took the place of the old Fosse, and stepping over the water-course which ran with some force from the Shudehill Pits down the Ditch and Smithy Brow into the Irwell, near the old Salford Bridge, the dweller of that day found his way into the Smithy Door; or by the Old Millgate, into the Market Steads. In the most northerly of these he would see the municipal centre of the manor and the town, a large building called the Booths, where the Courts Leet and Three Weeks' Courts were held, and all town's business transacted. Near this might be seen those terrors of evil doers, the Pillory, the Whipping-Post and the Stocks. Close by, too, was the Meal-House; and it is still a question whether the street now called Old Millgate, was not originally Meal-gate, though some local antiquaries have supposed that it was named from leading to the old mill on the Fosse, before the corn mills were erected on the Irk. The more southerly Market Stead would cover the lower end of the present Market Street opposite the Exchange, stretching into the other Market Place and also into Smithy Door, where the fish-stones stood and the fish-market then existed,

as it does to this day. St. Ann's Square and the neighbouring streets were then an inclosed field called "the Ackers," entered from several sides by stiles, and where the harvest was hastily got, in order to clear the ground for the Acres Fair. From this central part of the town three narrow lanes of rude, half-timbered houses, with projecting upper storeys and quaintly decorated gables, stretched crookedly outwards towards the country, — Market Stid Lane, Deansgate, and Long Millgate. Of the unsightly dunghills, the filthy jakes, the deep holes in the cart-way, where some burgess had been digging for daub or clay,—of the heaps of refuse of all kinds flung out of the houses to decay on the public street,—it is not pleasant to speak; they formed one of the darker shades in the picture. Every house of a burgess in trade had its open unglazed shop in front, probably of the width of twelve feet to the street; behind which was the vacant space of ground, which may be seen even much later in the plan of the town about 1650, and which the Leet jury call "the back sides." Here were accumulated more nuisances, in the shape of dung-heaps and cess-pools and swine-cotes, the pig-styes of more modern speech. It is eight o'clock in the morning, and the inharmonious horn of the manorial swineherd sounds through the streets. The worthy burgesses, perhaps busily engaged in sweeping before their doors, or opening their shops, on the approach of this official hasten to liberate their swine from their back-side cotes and to bring them to the herd, which the horn-blower drives wearily through the streets and along Ashley Lane to the common of Collyhurst, where they remain till

evening, and are then reconducted in the same way to their several homes in the town. Those swine not committed to the swineherd's care must be yoked or ringed, if turned into the street, or their owners suffer fine. The chief Market Stid, Stead, or Place, flanked by the Booths or Court-House, and having the Meal-House in its centre, is also distinguished by the Market Cross, Market Bell, the Stocks, Pillory, Whipping-Post, &c. The ringing of the bell intimated the opening and closing of the markets; public announcements were made by the catchpoll, the beadles, market-lookers, or other officers, from the Cross; the drunk and disorderly were consigned to the stocks; rogues to the whipping-post; dishonest bakers &c. to the pillory; scolds were gagged by the iron brank or bridle; and disorderly women were carried in the tumbril or ducking-stool to the Daub Holes, and there ducked till they were reduced to silence or half-drowned. All round the Market Steads were horses tethered; but if foddered there their owners were fined. The permanent burgage-shops in the Market Stead were occupied by a better class of tradesmen, in some old documents called "the merchants," being chiefly clothiers, woollen drapers, saddlers, wholesale dealers in leather and skins, dealers in various kinds of mercery, or in "spices" as "groceries" were then named. The "foreign" dealers, or country hucksters, and especially the vendors of poultry, green-groceries &c., had their open stalls in the market steads; and there, too, and in the Smithy Door, the butchers had their open standings, with their flesh-boards, chopping-blocks, &c. The whole town seems to have been long supplied with water

from a single source, — a fountain in a field near the upper end of Market Stid Lane (now Fountain Street), pouring its ample stream in an open water-course down Market Street, to the Conduit in Smithy Door, — a small enclosed building (erected by a benevolent widow for the benefit of her townsmen) which had its officers to lock it up at certain hours, to watch that no washing of the entrails &c. of beasts should pollute the trough; and to take care that after two favoured individuals had obtained a supply, every one else should take their turn in getting water in the order of their coming. Here and there a large painted wooden hand outside a house denoted that within weary travellers might obtain ale, but not more than two beds. The larger alehouses or inns, with four beds or more, had other signs, like those of more modern days. But if the small alehousekeeper had sold all his ale, he was required to take in the hand till he should have another barrel on tap. Patrolling the market-steads and the streets were all kinds of manorial officers, endeavouring to keep order and to put down nuisances. While the ale founders, conners, or tasters entered the alehouses to test by tasting the beer and ale, and see that it was "good liquor," the dog-muzzlers tracked wandering and unmuzzled canines and served their owners with notice to appear and answer at the next Court Leet. Alehousekeepers and bakers were also subject to the visitations of the officers for "the Assize of Bread and Ale," while the former were constantly breaking some statute, or manorial by-law, by allowing persons to get drunk in their houses, by permitting unlawful games there, by selling

liquor during service time on Sundays, or by taking more per head for wedding-dinners or bride-ales than the amount fixed by the steward and jury of the leet. The bakers were subject to sundry regulations as to the quality, weight and price of bread; were forbidden to put butter or even suet into bread or cakes for sale, or to make horse-bread save under express regulation. As the burgesses swept the dirt off the footpaths only into the channels, the scavengers, two or three for every street, removed all the sweepings from the gutters and the cart-ways. At the Acres and other Fairs, the steward in his robes, attended by the chief manorial officers, and a body guard of bill-men in jacques and salades, perambulated the boundaries, and proclaimed the fair as open during so many days. The chief local events of the year were the two great Leet Courts, about Easter and Michaelmas; when groups of the burgesses, clad in doublet and hose, and wearing the flat cap of the time, might be seen wending their way to the Booths, either as jurors, officers, or as *resiants* bound to attend as a part of their suit and service to the lord of the manor. The annual wakes, originating in the dedication of the parish church, on the eve of the festival of its patron saint, was the yearly carnival of the town, with its church-ales, and dancing and merriment, prolonged throughout the night. In the outskirts of the little town might be seen the archery butts, at which all men between the ages of sixteen and sixty were required to practise shooting with bow and arrow. Through the town, or in its vicinity, ran several small rivers, streams and brooks, then clear and sparkling, and open to the noontide

sun; now covered over by arched tunnels, and so hidden and forgotten. Amongst these, besides the Irwell, the Irk "rich in luscious eels," and the Medlock, were the "little river Tib," the Cornbrook, the Shooter's Brook &c. So close was the proximity of town and country, that stiles in Market Stid Lane were the stepping-places from the main street of the town into green fields. Intermingled with the houses were gardens and orchards, and the whole place had the semi-urban, semi-rural aspect of a large village growing rapidly into a town. The few residences of the local gentry were "Radcliffe's of the Pool" in Pool Fold; "Mr. Lever's house" in Piccadilly; the "Knolls house" near the Walkers' Croft, and Strangeways Hall. The old Dungeon was a wretched building, the remains of an older chapel on the Salford Bridge, — the only bridge over the Irwell connecting the two towns of Manchester and Salford. The circular and domed building in the place still marked by the name of Cockpit Hill, was dedicated to the favourite sport of cocking, long ere any theatre existed in Manchester. The site of the lord's pound or pinfold is unknown. Such, then, were the chief external features of the little Manchester of three centuries ago.

In the compilation of this volume the aim has been to select such entries in the Court Leet Book as might serve to illustrate the social life of the period; and in doing this the Editor has to ask the forbearance and consideration of the reader, if he should find what appears a wearisome repetition of some classes of entries. This has been sought to be avoided as much as is possible, compatibly with preserving

a fair representation of what passed in the Court Leet during the series of years comprised within this volume. It may serve, too, to disarm censure on this head, if it be borne in mind, that whatever is not now preserved will in all probability be wholly lost.

In order to enable the reader fully to comprehend the ancient procedure and quaint forms of the old and now obsolete Courts Leet and Baron of the manor of Manchester, a general sketch of the history of such courts, and especially of those of this manor, with the order of their procedure, even to the address of the learned steward, his charge to the leet jury, and the oaths of various officers of the manor, — have been brought together in a Prefatory Chapter.

Four appendices will be found at the close of the volume. Appendix I. contains a list of the boroughreeves and constables of Manchester from 1552 to 1846, with the exception of forty-five years from 1687 to 1731, being the contents of a volume of Court Leet Records, which never came into the possession of the Corporation of Manchester. Appendix II. contains an alphabetical list of all the surnames of the Manchester Court Leet jurors, between 1586 and 1641, — a period of fifty-five years. The entries of the deaths of tenants and burgesses, with the names and degree of relationship and the age of their heirs, are of value to the genealogy of many local families; as these records exist for twenty-two years before the earliest entry of deaths in the Manchester Parish Registers. As the Court Leet entries of these deaths and heirs in the text of the present volume extend no further than 1586, it has been thought desirable to collect

all such entries from the three oldest MS. Court Leet Books, and to print them in chronological order, and in a tabular form. This table includes all such entries within the years 1553–1686, a period of one hundred and thirty-three years, forming Appendix III. Appendix IV. contains a list of churchwardens for the parish of Manchester from 1663 to 1863 inclusive. It is believed that these long lists of manorial and parochial authorities exist nowhere else in print.

The marginal notes to the text, and a copious index at the end of the volume, supply ample means of reference.

It remains to offer grateful acknowledgments to JOSEPH HERON, Esq., Town Clerk of Manchester, for the loan of the several volumes of the Court Leet Books, so long ago as 1846, and again in 1864; also to F. S. AUSTIN, Esq., assistant to the Town Clerk and *Custos* of the Corporation Library. To JAMES CROSSLEY, Esq., F.S.A., President of the CHETHAM SOCIETY, for encouragement and counsel; and to WILLIAM LANGTON, Esq., Hon. Sec., for kind and judicious aid, I must tender my best thanks. These are also due to JOHN ROSS COULTHART, Esq., of Ashton-under-Lyne, for several obliging communications respecting the Court Leet of that manor. To Messrs. CHARLES SIMMS and Co. my thanks are due, in common with all the editors and readers of the CHETHAM SOCIETY'S publications, for neat and careful typography.

J. H.

November, 1864.

MANCHESTER COURT LEET RECORDS.

PREFATORY CHAPTER.

BUT about twenty years have passed since the town of Manchester was emancipated from the old feudal rule under which it had been governed for more than seven centuries. While yet the means for doing so exist, it seems desirable to preserve some record of the nature, character and principal features of this *ancien régime*, and hence it has been determined to print in the present volume selected extracts from the records of the old Court Leet, during the first century to which existing writings extend. But it is necessary for the clear understanding of these records, to place before the reader, 1st, a brief Sketch of the History of Manorial and Town Courts generally, especially of those styled the Court Leet with View of Frank-pledge, and the Court Baron; 2ndly, a notice of what is known as to these and other courts within the Manor and Town of Manchester; and 3dly, a Digest of the Powers and an Outline of the Procedure of these courts, as explanatory of, and as illustrated by, the entries in this volume.

1. ANCIENT COURTS OF MANORS AND TOWNS.

The juridical system of the Anglo-Saxons seems to have been very comprehensive in its jurisdiction. Their supreme tribunal was the *Witena-gémot*, or general council of the king and

people; next comes the *Scír-* or *Shire-gémot*, held in every county twice a year, in Spring and Autumn. Of somewhat inferior and subordinate jurisdiction was the old *County Court* with *View of Frank-pledge*, held monthly to determine causes left undetermined at the Shire-gémot. Since the time of Edgar, this court seems to have been divided into two, — the criminal matters, both ecclesiastical and civil, and also the View of Frank-pledge, were dispatched in one court, called the *Tourn* (*i.e.* Circuit) from the Bishop and Sheriff's going circuit through the county; and the civil business in another, called the *County Court*. The *Tourn* seems to have been the prototype of the Leet Court, being held twice in the year, in the month following Easter and the month following Michaelmas; the View of Frank-pledge being at first taken only once a year at the Easter Tourn. Passing over the *Trithing Court*, which was early discontinued, the next in point of rank was the *Hundred or Wapentake Court* (derived from the still more ancient *Folc-gémot*), held monthly, over ten tithings of ten families each, by a hundredary. Next came the *Burg-gémot* or town *Folc-gémot*, also a monthly court, presided over by the town-, burgh-, or port-reeve. Lastly, the smallest of these courts was that of the *Tithing*, or the *Decennary Court*, presided over by the *borsholder* or *tithing-man*. The late Mr. J. M. Kemble in the eighth chapter of his *Saxons in England* describes the class of officers styled *geréfa* or *reeve*, who were of all grades from the king's reeve to the borough-reeve or lord's reeve or bailiff; nay, even to the village pinder or *hog-reeve*. In this country the title almost always implied the exercise of judicial functions, as the head of a court of justice. Thus the shire-reeve held the Shire-gémot; the burh-reeve presided over the burh-gémot; the túnreeve was literally the reeve of the tun, enclosure, farm, vill or manor, the bailiff of the estate. Nearly all these were judges in courts of more or less importance, public or private; and this one original character (says Kemble) distinguishes all alike,—whether it be the *scír-geréfa* (sheriff) of a County Court, the *burh-geréfa* of a corporation, the *mót-geréfa* of any court in which pleas can be

holden, or the *tún-geréfa* of a vill or dependent settlement, the ancient steward of a manorial court. It will be seen that the name "*Leet*" does not occur amongst the titles of these courts; but its derivation is generally acknowledged to be Anglo-Saxon. Lord Coke states that *leth* or *leet* comes from the Saxon verb *gelathian* or *gelethian*, to assemble together; others have derived it from the Saxon word *læt*, signifying judgment, "because this court redressed wrongs, by way of judgment against any person of the Frank-pledge, who had done any wrong or injury to another." Others again derive it from the Saxon *leód*, people, and hold it to mean the *populi curia*, or folk-mote. Lastly, Scriven (an authority on Courts Leet) thinks it to be derived from the Saxon word *let*, to assign or grant; being a juridical franchise, held by a subject under the Crown. The word *læt* is applied in the laws of Ethelbert (26) to a person enjoying nearly all the privileges of a freeman; while the words *læge*, *lagu*, *lah*, meaning law, seem to harmonise with the second title to this court, "Leet, or *Law-day*." Leaving the question of its name open to the philologists, it may be noticed that although the "*Vue de Franc-Plegg*"[1] is Norman, the practice

[1] Frank-pledge (*Franci-plegium*, from the French *franc*, i.e. *liber*, and *pledge*, *fide-jussor*) signifies a *pledge* or surety for the behaviour of freemen,—it being the ancient custom of this kingdom, borrowed from the Lombards, that for the preservation of the public peace every freeborn man at the age of fourteen (religious persons, clerks, &c. excepted) should give security for his truth towards the king and his subjects, or be committed to prison; whereupon a certain number of neighbours usually became bound one for another, to see each man of their *pledge* forthcoming at all times, or to answer the transgression done by any gone away. And whenever any one offended, it was forthwith inquired in what *pledge* he was, and then those of that pledge either produced the offender within thirty-one days, or satisfied for his offence. This was called *frank-pledge*, and this custom was so kept that the sheriffs at every County Court did from time to time take the oaths of young persons as they grew to fourteen years of age, and see that they were settled in one *decennary* or other; whereby this view, of the sheriff's authority, was called *Visus Franci-plegii* or View of Frank-pledge. See the statute of View of Frank-pledge, 18 Edw. II. (*Jacob.*) — View of Frank-pledge (*Visus Franci-plegii*) signifies the office which the sheriff in his County Court performs in looking to the king's peace, and seeing that every man be in some *pledge*, &c.; or it is a power of holding a Court Leet, in which court formerly all persons of the age of fourteen were bound with their sureties or *pledges* for their truth to the king; and the steward was to certify on *view*. (*Bracton*, lib. ii.)

thus denoted existed in England before the Norman conquest, under the Saxon name of *freó-borh* or *borhoe*. Kemble says it was one of the oldest principles of Anglo-Saxon jurisprudence; king Edgar requiring that every man should be in surety, both within and without the towns; Canute, that every freeman be brought into a hundred and into a tithing; and Edward the Confessor, that in all the vills throughout the kingdom all men are bound to be in a guarantee by tens, so that if one of the ten men offend, the other nine may hold him to right, or if wrong, bring him to justice before the court of freemen. Such was the nature of the courts in Anglo-Saxon times; and they were not much altered at first by William the Conqueror, the greater part of the laws called his, being "little other than transcripts of the Saxon laws or customs."[2] It was not till the latter part of his reign that he

[2] Custom (*Consuetudo*) is a law not written, established by long usage and the consent of our ancestors. If universal, then it is common law; if particular to this or that place, then it is custom. As to the rise of customs, when a reasonable act once done was found to be good and beneficial to the people, then they did use it often, and by frequent repetition of the act it became a custom, which being continued without interruption time out of mind, it obtained the force of a law to bind the particular places, persons and things concerned therein. A good custom must be grounded on antiquity, continuance, certainty and reason. *Antiquity*, for that it hath been time out of memory, or three score years, as limited by statute; and "time out of mind" is where no man then living hath heard or known any proof to the contrary. If two or more witnesses can depose that they heard their fathers say it was a custom all their time, and that their fathers heard their grandfathers say it was so also in their time, it is enough for the proof of a custom. (*Blount: Davies Rep.* 32.) *Continuance* of a custom ought to be without interruption time out of memory; for if it be discontinued within time of memory, the custom is gone. A custom must be *certain*, because an uncertain thing may not be continued time out of mind. Custom must be *reasonable*, for unreasonable things are unlawful. Customs must not be against the king's prerogative. The two pillars of custom are common usage and that they be time out of mind. (*Davies*, p. 32; 4 *Leon.* 384.) A *custom* extends over some place or vill; a *prescription* extends only to particular persons. A custom that tenants of a manor shall grind all the corn they spend in their own houses at the lord's mill is good; but a custom that every inhabitant of a house held of the lord shall grind the corn that he spends or shall sell, at the lord's mill, is void. (*Moor*, ca. 1217; *Hob.* 149.) Custom to have a common bakehouse in a manor, for all the tenants or inhabitants, is a good custom. (2 *Bulst.* 198.) General customs,

added others of his own, which introduced or at least greatly extended the Norman feudal system in this country. His laws refer in somewhat vague terms to the county and hundred courts and to the courts of lords. Next we have the *Magna Carta* of 1215, in which it is granted:—(13) That all cities and boroughs and towns and ports shall have all their liberties and free customs; (20) that freemen, merchants and villeins shall be all justly amerced by the oath of honest men of the neighbourhood; (34) that certain writs should not deprive freemen of their right to the local jurisdiction of the Courts Leet and Baron; (39) that no freeman should be seized, imprisoned, disseised, outlawed or banished, or any ways destroyed, unless by the lawful judgment of his peers, or by the law of the land; and lastly (40) that to no man should justice or right be sold, denied or delayed. Afterwards the Great Charter was embodied as a statute in the 9th Hen. III. and 25 Edw. I. which (cap. 35) declares that the County Court shall be held monthly, except where by custom the interval has been greater; that the sheriff or his bailiff shall keep his *Tourn* but twice in the year; once after Easter, and again after the feast of St. Michael; that the *View of Frank-pledge* shall be likewise at St. Michael, so that every man might have his liberties, and that the *tithing* be wholly kept as accustomed. In a note to this chapter, Creasy states that "the sheriff's Tourn was the County Court for criminal matters and for the preservation of the peace; and that it was held in the respective hundreds of the county by rotation." He adds that "the *Courts Leet* are minor local courts of the same character as that of the tourn, having the same jurisdiction, but being limited to smaller districts." According to Lord Coke (2 *Inst.* 70) the Courts Leet were carved out of the courts of the tourn "for the ease of the populace, that they should have justice done them at their own doors." "But (continues Creasy) it is

which are used throughout England and are the common law, are to be determined by the judges; but particular customs, such as are used in some certain town, borough, city, &c., shall be determined by jury. (*Doct.* and *Stud.* c. 7, 10; 1 *Inst.* 110.)

more probable that they are the original hundred courts of the Saxon times, though the area of the manor often became the area of the jurisdiction, instead of the old area of a hundred. The right of holding a Court Leet was often granted to the lord of a manor, partly for the benefit of his tenants, resident in the manor, and partly for the benefit of the lord himself; who, besides the judicial authority and dignity which he gained, derived pecuniary advantages from the fines and fees of court. Generally, also, when the leet continued to be held for a particular hundred, some neighbouring lord received from the crown the right of presiding in it personally, or by his steward.[3] The criminal jurisdiction both of the tourn and the leet was reduced within very narrow limits by the 24th clause of John's *Magna Carta* ['No sheriff, constable, coroner, or other our bailiffs, shall hold pleas of the crown']. But these courts still continued to be of practical importance in many matters of *local self-government*. Besides the important duty of the View of Frank-pledge, the assembled inquest or jury of the leet inquired and made presentments respecting persons of notorious evil fame; respecting cheats, especially with regard to the vendors of unwholesome provisions; respecting escapes from prisons, breaches of the peace, public nuisances, and many other subjects. The Court Leet (or the *Tourn*) could impose a fine or amercement on any person who was presented as an offender in any of these respects, and such fine or amercement could be levied by distress. Head-boroughs or constables for the hundred [or manor] were also chosen at the Court Leet, and many other local officers. The Tourn had become obsolete before Lord Coke's time. Courts Leet are still held for the appointment of constables in some hundreds, but they practically exercise no other functions." — (Creasy's *Rise and Progress of the English Constitution*.)

As to the origin of the Courts Leet and Courts Baron, Kitchin,

[3] We have a notable local instance in the "Court Leet &c. of our Lady the Queen, of her Hundred or Manor of Salford," of which the Earl of Sefton was hereditary high steward; the deputy steward being a barrister, who always presided.

in "Le Préamble" to *La Court Leete et Court Baron*, gives the following account: —

"Fineux (12 H. VII., fol. 18) says, that at the beginning, all the administration of justice was in the crown, and wherever the king was, there was the law administered. Then, afterwards, because of the multiplying of the people, were the Court Leet and the Court Baron ordained; to wit, the *Leet* for the punishment of enormities and nuisances against the public weal, within the precincts of the same, and its articles and pains are ordained to this end. And it is called the '*View of Frank-pledge*,' because the king may there have ascertained by the view of the steward, how many people are within any leet; and thus have account, and view, by the steward, of their good government and behaviour in any leet. And also the leet was ordained to have every person of the age of twelve years who has dwelt therein a year and a day, to be sworn to be faithful and loyal to the king. And also that the people there might be held in peace and obedience, these Courts Leet were established.[4]

"And *Courts Baron* were ordained to determine as to injuries,

[4] Leet (*Leta, visus Franci-plegii,*) is otherwise called a *Law-day* (*Smith de Rep. Ang.* lib. ii. cap. 18), and seems to have grown from the Saxon *Leo*, which (as appears by the Laws of King Edward, *Lambard*, No. 34) was a court of jurisdiction above the wapentake or hundred. According to others, it is said to be *leta* from the Saxon *lite*, i.e. *parvus*, quasi a little court; or from the German *laet*, a country judge. Many lords, together with their Courts Baron have Leets likewise adjoined, and thereby inquire of such transgressions as are subject to the inquiry and correction of this court. (See *Kitchin*, and *Bracton* cap. 28.) But this court, in whose manor soever it is kept, is accounted the king's court, because the authority thereof originally belongs to the crown. (*Kitchin*, fol. 6.) *Dyer* (fol. 64) saith that this leet was first derived from the sheriff's tourn. And it inquireth of all offences under high treason, committed against the crown and dignity of the king, though it cannot punish many, but must certify them to the justices of assize by the statute of Edw. III., *cap. ult.*; but what things are only inquirable and what punishable, see *Kitchin*, in the "Charge of a Court Leet," (fol. 8 to fol. 20;) also the Statute of 8 Edw. II., and 4 *Inst.* 261. *Leet* comes from the Saxon *læt*, i.e. *censura, arbitrium*, or from *lætan*, censere, æstimare. A Court Leet is a Court of Record, having the same jurisdiction within some particular precinct which the sheriff's tourn hath in the county. (*Finch*, 246; 2 *Hawk. P. C.* 72.)

trespasses, debts and other actions (as afterwards appeareth) where the debt or damages were under 40s. And also, because the lords of Manors and Court Barons have given their tenants their lands and tenements, before the 3rd statute of Westminster ['*Quia emptores terrarum,*' 18 Edw. I. 1290] to hold of them. For this also, homage of court ought to be inquired into in this court, that the lords may not lose their services, customs, or duties. And also it was ordained [for tenants] to make their suits there, and thus to show themselves obedient to their lords. And that nothing might be done within the manor noisant or hurtful to the inheritance of the lords of the manors, which shall not be inquired into and presented for the lords of the manors (as afterwards by the articles more plainly appears)."

In Wilkinson's *Treatise*, &c. (Lond. 1620) containing "An easy and plain method for the keeping of a Court Leet, Court Baron and Hundred Court," &c. (p. 141) is the following on the origin of Manors and of Courts Baron: — "I will show you how Manors took their beginning and within what manors a Court Baron shall or may be kept, and within what manors they may not. Perkins (fol. 127) saith that the beginning of manors was when the king gave a thousand acres of land, or more or less, to a man and his heirs, to hold of him and his heirs for ever. And before the statute of 'Quia emptores terrarum' (A.D. 1290), a man seised of land, enfeoffed another of 10 acres, another of 12 acres, a third of 20 acres, to be holden of himself, and the tenants to do him service, and to pay him a quit rent; and so by this means, by continuance of time, out of the memory of man, such donor or feoffor had a manor. . . . . And (8 Hen. VII., 4. 1493) it is held that a Court Baron is incident to a manor of common right; so that within every manor there ought to be a Court Baron, although there be no suitors belonging to it, or although by partition the suit is suspended." (34 Hen. VI., 53. 1456.)[5]

[5] Court Baron (*Curia Baronis*) is a court which every lord of a manor hath within his own precinct: it is an inseparable incident to the manor, and must be held by prescription, for it cannot be created at this day. (1 *Inst.* 58; 4 *Inst.* 268.) A Court Baron must be kept on some part of the manor, and is of two natures. (1.) By

The broad distinguishing features between the Courts Leet and Baron, are that the Leet (with its View of Frank-pledge) is the older and superior tribunal, being a Court of Record and the Court of the King to a great extent; and it must have for its judge a steward (appointed by the lord), who must be a barrister, and a jury of at least twelve resiants. That, on the other hand, the Court Baron is a Court of the Lord only, necessarily appendant to a manor; that it is not a Court of Record, and that its proper judges are the suitors, or those who owe "suit of court," being in the case of Manchester, the lords of mesne manors, or feudatories of the lord of the manor. While the Court Leet takes cognizance of felonies and misdemeanors, offences and nuisances generally, the Court Baron chiefly regards the suit and service, the trespasses and offences, of the tenants, as relating to the rights and privileges of the lord of the manor.[6]

common law, which is the baron's or freeholders' court, of which the freeholders, being suitors, are judges; and this cannot be a Court Baron without two suitors at the least. (2.) By custom, which is called the Customary Court, and concerns the customary tenants and copyholders, whereof the lord or his steward is judge. The Court Baron may be of this double nature, or one may be without the other; but as there can be no Court Baron at common law without freeholders, so there cannot be a Customary Court without copyholders or customary tenants. (4 *Rep.* 26; 6 *Rep.* 11, 12; 2 *Inst.* 119.) The Freeholders' Court, which hath jurisdiction for trying actions of debt, trespasses, &c. under forty shillings, may be had every *three weeks*, and is something like a County Court, and the proceedings much the same; though on the recovery of debt they have not the power to make execution, but are to distrain the defendant's goods and retain them till satisfaction is made. The other Court Baron, for taking and passing of estates, surrenders, admittances, &c. is held but once or twice in a year (usually with the Court Leet) unless it be on purpose to grant an estate; and then it is holden as often as requisite. In this court the homage jury are to inquire, that the lords do not lose their services, duties or custom; but that their tenants make their suits of court; pay their rents and heriots &c., and keep their lands and tenements in repair; they are to present all common and private nuisances which may prejudice their lord's manor, and every public trespass must be punished in this court, by amercement, on presenting the same. By statute it shall be inquired of customary tenants what they hold, by what works, rents, heriots, services, &c. And of the lord's woods and other profits, fishing, &c. (*Statut. Extent. Manerii*, 4 Edw. I. 1276.)

[6] There are many minor matters connected with Courts Leet and Courts Baron,

2. MANCHESTER LOCAL COURTS.

For the early history of Manchester as a manor, and its lords, we may refer the reader to *Mamecestre*, (vols. liii., lvi. and lviii. of the CHETHAM SOCIETY'S publications.) The ancient royal grants to its barons, included a fair, in 1222 and 1227, and free warren in 1249; but as to any grant of a Court Leet or View of Frank-pledge, the public records of these early times are silent; leaving us only to conjecture that, like the weekly market and other ancient franchises of Manchester, this court was held by prescription. The Court Baron would be held by the lord, without the need of any royal grant, but in his own right, as necessarily appendant to his manor.

As to the earlier local courts of Manchester there is but meagre evidence of their nature, jurisdiction and procedure.[7] The first

which are here passed over, as enough has been stated for the information of the general reader. Those who would pursue the entire subject or any branch of it in detail are referred to the following legal works on these courts: "Le Courte Leete et Court Baron, collect per John Kitchin, de Graies Inne, an Apprentice in Ley," &c. (Lond. 1598); "A Treatise collected out of the Statutes &c., together with an easie and plain method for the keeping of a Court Leet, Court Baron and Hundred Court, &c.: by John Wilkinson of Barnard's Inne, Gent." (Lond. 1620); "Pacis Consultum: a directory to the public peace: briefly describing the antiquity, extent, practice and jurisdiction of several country corporation courts, especially the Court Leet: by Judge Jenkins" (Lond. 1657); Andrew Horne's "Mirror of Justices," sec. 17; "On Views of Frank-pledges" (Lond. 1768); Ritson "On Courts Leet" (Lond. 1794); Nelson's "Lex Maneriorum" (Lond. 1657); Lord Coke's "Second Institute" (Lond. 1804); Comyn's "Digest of the Laws of England" (Lond. 1822); title "Leet;" and Scriven on "Copyholds, Customary Freeholds, Ancient Demesne, and the Jurisdiction of Courts Baron and Courts Leet," vol. ii. pt. iii. (Lond. 1823.)

[7] The Rev. John Whitaker, the earliest historian of Manchester, after erroneously concluding that the town was exalted into a free borough in the thirteenth or fourteenth century, thus sketches its courts: "The free economy of its discipline was conducted by the united authority of three or four judicatures. The Tything Court of the baron was divided into the greater and lesser leets; and the greater were peculiarly the *Views of Frank-pledge*, and held, as at present, only twice in the year — at the close of Spring and conclusion of Autumn. But the lesser or ordinary leets were convened, as they are to this day, regularly once in *three weeks*. And the jurisdiction of both extended equally over the whole deanery or manor. In the former only did

notice of a Manchester court in any authoritative and dated docu-

the baron preside; as his bailiff, seneschal or steward appears to have done in the latter. In both, the lords of the subject townships were the regular assessors with them. And in the fourteenth century, when the tithing and manor had been long extended into many of the neighbouring parishes, the lords of Withington, Ashton-under-Lyne, Pilkington and Unsworth, Worthington, Lostock, Harwood and others are mentioned upon record as obliged to attend even in the inferior leets, and as denominated '*The Judges of the Court of Manchester, by custom of old.*' All violations of the peace were considered as breaches, not of the king's, but of the baron's and bailiff's peace; were peculiarly brought before the lesser leet, and were impleadable at the suit of the parties or the prosecution of the bailiff. And the proceedings were conformable to the common law of the kingdom. This moot still (1775) retains its ancient appellation of Manchester Court; but has long been reduced by the erection of a Court of Sessions [for the hundred of Salford], and scarcely retains any semblance of its original dignity. And, in the greater leet, the judicial authority of the baron has been delegated to the bailiff; and that of the bailiff in the lesser has devolved on his deputy. . . . . The *Borough Court* of Manchester was popularly called the *Port-mote*, was held by the boroughreeve, and assembled originally three, but more recently four times in the year. Every burgess was obliged to attend regularly at it in person, without excuse and without summons, or to send his wife or eldest son as his representative; and if he neglected, he was amerceable to the value of 12^{d}. But this obligation has been long extinguished. The Port-mote of our fathers has been buried in the grave of time, and the judicial authority of the boroughreeve in it is even forgotten by tradition. There was also another court, which has been totally unnoticed by the lawyer or historian, is equally buried with the *Port-mote*, and equally common to all the boroughs in the kingdom. This was a *Laghe-mote*, a court of *laga* or law. It appears in the baronial records of Manchester, and is mentioned in the charters both of Manchester and Salford. . . . . It was not a settled and regularly convened judicature. It was held merely at the discretion of the boroughreeve, who presided in it. But as it was pretty constantly summoned, so was it at an appointed period. It was held in the intervals between the quarterly returns of the Port-motes, and was merely the lesser Borough Court; though, like the lesser leet, it assumed a different name from the greater. It was the same undoubtedly as the *Husting* or *Bur-ware-mot* in the charters of Great Yarmouth, London, Lincoln, York and Norwich; and like them assuredly was required to be assembled only once a week. And if a burgess was summoned into the *Laghe-mote* upon any allegation against him, and did not appear either in person or by proxy, he forfeited 12^{d} to the lord for the disobedience, and was obnoxious to an action from him in the Port-mote." — It must suffice here to declare (without attempting their correction) the existence of numerous errors in this sketch of the Local Courts of Manchester. It is, however, desirable to place in juxta-position with Whitaker's view of the old judicature of Manchester, that of a later antiquary, having better evidence before him. The late

ment, occurs in the inquisitions held before the escheator and the

Dr. Hibbert-Ware in his *Ancient Parish Church of Manchester*, &c. (p. 71) states that "in Manchester there existed a *Court Baron* as well as a subordinate *Lagh-mote*, for the use of the "portmen" or townsmen. But it was now [by Thomas Grelle's charter of 1301] proposed to create a new Law Court, the *Porte-man-mote*, over which should preside a reeve, chosen annually by the burgesses themselves. In this case the *Lagh-mote* became restricted to the occasional object of expediting justice during the intervals when the *Porte-man-mote*, or when the *Court Baron* might not be sitting." Dr. Hibbert-Ware nowhere notices by name the Court Leet, and seems to have tacitly included that court, with the View of Frank-pledge, in the Court Baron. — As to the Court of Quarter Sessions referred to by Whitaker, though it is certain that quarter sessions were held in Manchester early in the seventeenth, and probably in the preceding, century, the date of their being first held there is uncertain, and would seem to be unascertainable. None of the local Guides, Handbooks, or Chronological Recorders, gives any such date. The Sessions Orders in the office of the clerk of the peace at Preston do not go further back than 1626; and the Court Leet Records show that quarter sessions were held in Manchester in 1623. In June 1798 an act was passed (38 Geo. III. cap. 58) "for obviating and removing doubts respecting the holding of the adjournments of the general court of quarter sessions of the peace in and for the county palatine of Lancaster, and for authorising the justices of the peace acting in and for the said county to hold an annual general session and also a special session for the purposes therein mentioned." The preamble recites that "for divers and very *many years* last past," the quarter sessions had been holden by adjournment (amongst other places) at Manchester, and that it had been customary to adjourn from Manchester to Preston, for a general session, &c. "And whereas the legality of the said adjournments [of quarter sessions] hath been attempted to be called in question," &c., "it is expedient that all doubts respecting the legality of the said adjournments" should be removed, — the act legalises them. There is no local Manchester act for the holding of quarter sessions, and we must therefore go back to the general statute law for the regulation of quarter sessions throughout England. As to quarter sessions to be held in every county by justices of the peace, the following are the old enactments: By 1 Edw. III. cap. 16 (1327) in every county in England good and worthy men, which be no maintainers of evil, nor barrettors in the country, shall be assigned to keep the peace. By 18 Edw. III. cap. 2 (1344) two or three of the most worthy men in counties shall be assigned keepers of the peace by the king's commission. And at what time need shall be, the same, with others wise and learned in the law, shall be appointed by the king's commission, to hear and determine felonies and trespasses done against the peace in the same counties, and to execute punishment reasonably, according to law, reason and the manner of the fact. By 2 Hen. V. cap. 4 (1414) justices of peace shall hold their sessions four times in the year, that is, the first week after the feast of St. Michael, first week after the Epiphany, first week after the close of Easter, and first week after translation of St. Thomas, Martyr, and more

sheriff, in the year 1282, in which it appeared that the jury found the pleas and perquisites of the *Court Baron of the Manor* to be then worth yearly to the lord 100s, while the perquisites of the *Court of the Borough* were only worth 8s yearly. (*Mamecestre* p. 146.) In the Salford charter of 1230–31, the Laghmote and the Portmote of the town or borough of Salford are named. (*Ib.* p. 200.) The like two courts for Manchester are also named in the Manchester charter of 1301 (*Ib.* pp. 219, 223); and it is therein declared that all the pleas specified shall be determined before the steward, by the enrolment of the clerk of the lord. (*Ib.* p. 235.) By the Survey of the Manor of Manchester in 1320, it appears that a Hundred or Wapentake Court for the hundred of Salford was then held every three weeks (*Ib.* p. 293); that there was then held in the manor of Manchester every three weeks a Court Baron, to which the lords of twelve neighbouring lordships or mesne manors, or moieties of manors, owed "suit of court," and were called judges or justiciers of Manchester, by custom from of old time. In this court, it is declared, any transgressions involving breach of the lord's peace and the bailiffs', might be impleaded at the suit of the bailiffs or of the party aggrieved; that the practice of that court was kept close to the common law of the land; and that its perquisites in pleas, fines and amercements were worth to the lord 100s yearly. (*Ib.* p. 333.) There was also in 1320 a

oft if need be. By 12 Ric. II. cap. 10 (1386–7) every justice of peace shall take for his wages 4s a day during the time of their sessions, and their clerks 2s, of the fines and amercements rising and coming of the same sessions, by the hands of the sheriff. By the act 33 Hen. VIII. cap. 10 (1541) it is enacted that "all justices of peace within every county, city, borough or place within the king's dominions, shall yearly, at the general quarter sessions holden next after Easter, divide themselves, and limiting two at the least into hundreds, wapentakes, number of towns &c., they shall hold one session for the limits of their division beside the quarter sessions, six weeks before the quarter sessions, wherein they shall inquire of vagabonds, retainers, giving of liveries, badges, maintenance, imbracery, bowstaves, archery, unlawful games, forestallers, regraters, victuallers and innholders, &c., and hear and determine the same, according to the statute for such offences provided. And they may reform panels returned before them." This was repealed by an act 37 Hen. VIII. cap. 7 (1545); and all the offences to be inquired of, punished and reformed, at the quarter sessions.

Portmote of the burgesses, held four times a year; to which every burgess (or his wife or his eldest son for him) was bound to come four times yearly without excuse. If necessary a Laghmote might be held between the Halmotes [? Portmotes] for more speedy justice. In the Portmote the assise of bread and ale was inquired into; and the burgesses making default of appearance, might by plea, in either the Portmote or the Laghmote, be amerced 12^{d}. (*Ib.* p. 335.) The perquisites of these Portmotes and Laghmotes, with the fines, accruings, and like profits, were then worth 13^{s} 4^{d} yearly to the lord of the manor. (*Ib.* p. 336.) Next we have the Extent of the Manor in 1322, which shows that the lord of the manor then owed suit to the county [? court] for which he paid a yearly fine of 20^{s}; and that as to the suit of the [hundred or] wapentake of Salford, the lord paid a yearly fine of 13^{s} 4^{d} for the making and *releasing* of the said suit. (*Ib.* p. 380.) This official document tells us that the Court of Manchester [*i.e.* the *Court Baron*] was to be held every three weeks, and twelve mesne lords owed suit thereto, and were called judges of the Court of Manchester, by old custom. The perquisites of this court (with those of the minor Halmotes of Barton, Heton, and the hamlets of Manchester) were then worth 100^{s} yearly. (*Ib.* p. 398.) The Port-mote and the Laghe-mote and their procedures are described in precisely the same terms as in the Survey two years previously (*Ib.* p. 399); and their perquisites are declared to be worth 13^{s} 4^{d} yearly. (*Ib.* p. 401.) By an inquisition at Preston in March 1359, it was found that Roger la Warre knt., lord of Manchester, did not hold that town as a *borough*, but only (he and his ancestors) as a *market town*, with the liberties to such town belonging. (*Ib.* p. 454). This would restore the obligation of the manor to render suit to the sheriff's *Tourn*, or the Court Leet of the hundred of Salford, — another source of the declension of the Manchester local courts, and perhaps the cause of their amalgamation; the Court Leet with View of Frank-pledge and the Court Baron being afterwards held together, as if one and the same court, within a month after Easter and Michaelmas in every year,

before the lord's steward and a jury impannelled by the lord's bailiff, on the steward's nomination. Last in the series of local documents is the Rental of Thomas West, Lord la Warre, made in May 1473, which shows that about ten mesne lords still owed "suit of court" to the Manchester Court. (*Ib.* p. 492 *et seq.*) In another valuation about the same date, is this entry: "Of the pleas and perquisites of the *Court* and *Portmote* there, — not received, for no courts have been held lately, [reckoned] at £10." Such are the few and scanty notices of the Manchester manorial and other courts, during a period of nearly two centuries. It will be observed that none of them call any court the Court Leet; but only name the Court Baron or Court of Manchester, the Portmote and the Laghmote. This silence may be ascribed to the fact that the Leet Court was called emphatically the Court of Manchester; or it may have been omitted from the charter, surveys and rentals of the lord of the manor, because it was not wholly his; but in the origin at least a Court of Record of the king.[8] Be this as it may, the several larger courts seem to have all merged into one, held about Easter and Michaelmas. As to its title in the Court Leet books, we may refer to those from October 1586 to October 1637, a period of half a century.[9] For about four of these earliest years the title is usually "Mancestre: Curia, cum Visu franci plegii."

[8] *Scriven* says (vol. ii. p. 794): "The Leet, which is a Court of Record, is described as one of the most ancient tribunals noticed by our common law, and is accounted the King's Court; for although this franchise is frequently held by the lord of a hundred or manor, under a grant from the crown, or by prescription (which presupposes such grant), yet the lord is only entitled to the profits of the court, and (in legal phraseology) the day is to the king."

[9] One remarkable variation in the title or heading of the court occurs in September 1562, where it is simply styled "The *Pourt-Mouth* [*Port-mote*] holden the last of September in anno 1562." As it is thus registered in the Court Leet Book, it may be inferred that it is only a variation of the popular title of the court, — the Manchester Court or Town's Court, *Port* meaning a town or borough. Law-day silver or "hundred-silver," (called also hundred-penny and hundred-fee), was a sort of subsidy collected by the sheriff or lord of the hundred, and payable by every tithing. Or it may be another name for what was termed "cert-money," (*i.e.* certain money), head-money paid yearly by the resiants of a manor to the lord for the certain keeping of the leet; in ancient records called "*certum leta.*"

(Manchester Court with View of Frank-pledge.) In April 1590, the title is changed to "Cur. Baron' cu' Visu," &c. In September 1596, to "Curia cum Visu, &c. ac Cur. Leta, Baron'," &c. In March 1597, "Curia cum Visu, &c. ac Curia Leta, cum Curia Baron'." And it so continues until Easter 1603, when it reverts to the earlier form, "Manchester, Curia cu' Visu," &c. Lastly, at Michaelmas 1637, it takes the form of "Curia Visus franc' pleg'" only, and continues thus to the end of the volume in 1647. This shows that its fullest title included two if not three separate courts, viz., the Court of Manchester, the Court Leet with the View of Frank-pledge, and the Court Baron;—apparently the King's Court, the Baron or Lord's Court, and the People's or Town Court. When several courts came to be held, probably at or about the same periods and intervals, the inconvenience to steward and suitors, to jurors, officers, and witnesses, of attendance at the several courts, would soon lead to some plan of amalgamation. To this arrangement there were doubtless some difficulties opposed, for the Court Leet was to be held before the steward and jury; while the Court Baron had for its judges twelve or more mesne lords acting as jurors, by ancient feudal service. This difficulty was overcome by the Leet jury being dismissed to prepare their presentments, and in their absence the shorter business of the Court Baron was usually gone through, and much of it left unrecorded.

The difference between the powers and procedure of these courts next demands attention. And first, as to the

3. COURT LEET, OR LAW-DAY.[10]

The order for procedure in the holding of a Court Leet is thus described by writers on the subject.[11]

[10] Law-day, (*lagedayum*), called also View of Frank-pledge, or Court Leet, was any day of open court, and commonly used for the courts of a county or hundred. A charter of the 39 Hen. VIII., 1255, speaks "de visu plegii et lawdayorum." (Jacob's *Law Dictionary*.)

[11] "Le Court Leete et Court Baron," per John Kitchin (Lond. 1598), and "The Manner and Forme how to keep a Court Leete," by John Wilkinson (Lond. 1620.) It is the latter work which is chiefly quoted for the procedure.

Mode of holding a Court Leet or View of Frank-pledge.

First: The steward[12] must make his precept to warn the court, by reasonable warning, as by six or more days, as followeth: And

[12] Seneschal (*senescallus*, derived from the German *sein*, a house or place, and *schals* an officer) is a steward, and signifies one who hath the dispensing of justice in particular cases. Steward (of *steda*, Anglo-Saxon, room or stead, and *weard*, a ward or keeper) is a man appointed in the stead of a superior. *Kitchin* says that a steward is the judge in the Court Leet and that he ought to be learned in the law, and in matters of law he ought to be able to give judgment. Amongst his legal powers are that he may give his precept by parole to a bailiff to distrain. (16 Hen. VII.) If a man refuses to be sworn of the inquest, he may fine him, and may commit him to prison till such fine be paid, or he may amerce him and distrain for the amercement. (31 Hen. VI.) The steward may cause a stranger who comes within the precinct of the leet to be sworn to inquire in the leet, if there be not sufficient resiants; and the lord may sell the distress taken therein, for that which is in the court of the king. (3 Hen. VII. fol. 4.) The steward being a judge of record, may assess a fine for a contempt made in court. (7 Hen. VI.) If the inquest (or jury) will not present defaults in the leet of which they have been informed, the steward may lay a fine on them. (10 Edw. III.) In *Fleta* it is urged that the lord of a manor should provide himself with a steward who should be circumspect and faithful, a provident and discreet man, gracious, humble, peaceable and modest; who is learned in the laws and the customs of the county and of the office of steward, &c., whose office it is to hold the courts of the manor, and to inquire as to any diminutions of the customs, services, rents, suits to the court, the market, the mills of the lord, and to the view of Frank-pledge and other liberties belonging to the lord. *Kitchin* depicts some of different character: — "I have seen in some Courts Baron such subversion of justice by the stewards, some from ignorance and wilfulness, and others to please their lords, or for fear of losing their fee, &c., that justice many times had no place there, to the perilous example and overthrow of the estate." So he writes for the special behoof of stewards, what he calls "Le Merror pur le Seneschal," consisting of a number of verses from the Old and the New Testament, enforcing justice, impartiality and truth, and condemning unjust judges and judgments. In some Courts Leet the steward himself made all the entries on the Court Roll, which became of record. In Manchester there was a clerk appointed to discharge this duty, who in the Court Book generally concludes the entries or records of a particular Leet Court, by the words "Teste, A. B. clerico curia ibidem." (Witness A. B. clerk of the same court.) But in any important orders, as in those of the judges of assize, or the agreement with the lord of the manor as to Collyhurst, the steward himself made the entry to become of record, and appended to it "Per ipsum Seneschall:" (By the steward himself.) — *Deputy-steward.* If an under-steward hold a court without any disturbance of the lord of the manor, though he

it is better if it be by fifteen days, according to the common days in Banco.

The Precept. — "I, A. B. gentleman, steward of C. D. knt., lord of the manor of E. to the bailiff[13] of the same greeting. I require and command thee, that diligently thou shalt summon the View of Frank-pledge, with the court of the same, to be held therefor, on Thursday next, viz., the 16th day of October next ensuing after the date of these presents, about the hour of nine in the morning, at the accustomed place. And that thou have there this precept. Given under my seal this 1st day of October in the year of the reign of," &c., &c.

Then enter on the Court Roll the style of the court, in manner following: "View of Frank-pledge, with court[14] of C. D.

hath no patent or deputation to hold it, yet it is good; because the tenants are not to examine what authority he hath, nor is he bound to give them an account of it. (*Moor*, 110.) A deputy-steward may authorise another to do a particular act; but cannot make a deputy to act in general. (2 *Salk.* 95.)

[13] Bailiff (*ballivus*) from the French *bayliff*, that is *præfectus provinciæ*. There are in England several kinds of bailiffs. Bailiffs of liberties are those bailiffs who are appointed by every lord within his liberty, to execute process and do such offices therein, as the bailiff errant doth at large in the county. Bailiffs of liberties and franchises are to be sworn to take distresses, truly impannel jurors, make returns by indenture between them and the sheriffs, &c., and shall be punished for malicious distresses, by fine and treble damages, by ancient statutes [of Edw. II. and Edw. III.] Bailiffs of lords of manors are those that collect their rents and levy their fines and amercements; but such a bailiff cannot distrain for an amercement without a special warrant from the lord or his steward. (*Cro. Eliz.* 698.) He cannot give a license to commit a trespass, as to cut down trees, &c., though he may license one to go over land, being a trespass to the possession only, the profits whereof are at his disposal, (*Cro. Jac.* 337, 377.) A bailiff may by himself, or by command of another, take cattle damage-feasant upon the land. (1 *Danv. Abr.* 685.) Yet amends cannot be tendered to the bailiff, for he may not accept of amends, nor deliver the distress when once taken. (5 *Rep.* 76.) These bailiffs may do anything for the benefit of their masters; but they can do nothing to the prejudice of their masters. (*Lit. Rep.* 70.) Bailiffs of Courts Baron summon those courts, and execute the process thereof. They present all pound-breaches, cattle strayed, &c.

[14] The *Pacis Consultum* of Judge Jenkins shows that in his time (Chas. I.) the style of the court included both leet and baron. It runs: "The View of Frank-pledge, with the Court Baron of A. B. lord," &c.

knt. of the same, held on Thursday, to wit the 16th day of October in the year of the reign, &c. By A. B. steward of the same."[15] It is well to make this entry "By A. B." &c., if there should be any copyholders there, because the name of the steward is in the copy of their admittance. Then after this entry, the steward shall cause the bailiff to make "Oyez" three times, if it be the Leet, for that is the Court of the King, so far as it authorises for this purpose by grant or by prescription. At the commencement of a Court Baron there need be but one proclamation; but in the Court Leet, for that in which it is the Court of the King, there shall be three proclamations; to wit, "Oyez" shall be cried three times. The bailiff shall then say after the steward thus: "All manner of persons which are *resiants* or *dozoners*,[16] and owe suit-royal to this Court Leet or Law-Day, come in and do your suit, and answer to your names, as you shall be called, every man at the first call, upon pain and peril that shall fall thereon."

Then call the free suitors and dozoners [or *decenners*] one after another thus: "F. G. gentleman, come into court and do your suit and service, or else you will be amerced."[17] And when you have called them, all those who have made default [by absence] mark them over the head, thus "Lawrence Gaole" "in misericordia 2^{d}," and when all the free suitors be called, you must write thus:

[15] The steward is the presiding judge of the Court Leet; he was required to be "learned in the law," and was appointed by the lord of the manor.

[16] *Deciners*, *Decenniers*, or *Doziners* (*Decennarii*), derived from the French *Dizeine*, ten, signify in our ancient law such as were wont to have the oversight of the *Friburghs* or Views of *Frank-pledge*, for the maintenance of the king's peace; and the limits or compass of their jurisdiction was called *decenna*, because it commonly consisted of ten households; as every person bound for himself and his neighbours to keep the peace was styled *decennier*. (*Bracton*, lib. iii.; *Tract.* ii. cap. 15.) A *dozein* seemed to extend so far as a leet extendeth; because in leets the oath of loyalty is administered by the steward, and taken by all such as are twelve years and upwards, dwelling within the precinct of the leet where they are sworn. (*F. N. B.* 161.) There are now no other *dozeins* but leets; and there is great diversity between ancient and modern times in this point of law and government. (2 *Inst.* 73; *Black. Com. IV.* 249.)

[17] Amercement (*amerciamentum*, from the French *merci*) signifies the pecuniary punishment of an offender against the king or other lord in his court, that is found

"These are free tenants of this manor and owe suit to this court, and have made default, therefore they are every one of them *in misericordia*, as appeareth over their heads."[18]

And after all are called and all who are absent are marked to be amerced, then the steward shall cause (if it be in leet) these things to be stayed other three days. Then the steward must cause the bailiff to make three proclamations, and then to say thus: "And if any man will be *essoined* [excused] let him come in, and he shall be received, and all such persons as were essoined the last court, let them come now in and warrant their essoins, or else they will be amerced both for this court and also for the last;" [that is, they must appear and not be again essoined, for if that be

to be *in misericordia*, i.e. to have offended, and to stand at the mercy of the king or lord. By *Magna Carta* a freeman is not to be amerced for a small fault, but proportionable to the offence, and that by his peers. (9 Hen. III. cap. 4.) Amercements are a more merciful penalty than a fine; if they are too grievous, a release may be sued by an ancient writ called *moderata misericordia*. Fines are punishments certain, and grow expressly from some statute; but amercements are such as are arbitrarily imposed. (*Kitch.* 78.) Fines are also imposed and assessed by the court; amercements by the country [or jury]; and no court can impose a fine but a Court of Record: other courts can only amerce. (8 *Rep.* 39, 41.) A Court Leet can amerce for public nuisances only. (1 *Saund.* 135.) For a fine and all amercements in a Court Leet, a distress is incident of common right; but for amercement in a Court Baron distress may not be taken but by prescription. (11 *Rep.* 45.) When amercement is agreed on, the lord may have an action of debt, or distrain for it and impound the distress, or sell it at his pleasure; but he cannot imprison for it. (8 *Rep.* 41, 45.) In Courts Baron the amercements ought to be affeered; but it is otherwise of fines imposed by a Court of Record. (2 *Inst.* 27.) In the Court Baron, tenants not doing suit of court, persons making any encroachments, not performing what is ordered, or for other misdemeanours there punishable, are to be amerced: these amercements are made upon presentment of the jury; and if they are grounded upon a void presentment the amercements also are void. (*Jacob.*)

[18] After the suiters and dozeners, *Kitchin* says: "Also if the chief pledges appear; for it would seem by 43 Edw. III. fol. 27, that pledges should be found by every one that cometh into the lordship for his being of good behaviour, as the manner is, and it is inquirable if each have found pledges. (18 Edw. II.) Also if any villeins of the lord have fled and remain elsewhere out of the lordship, and are not in the demesnes of the king for a year and a day, they are inquirable. (*Ibid.*) Also if any customs or services due to this court are withdrawn or withheld; how, by what or whom, and in the time of which bailiff this was done. (*Ibid.*)

suffered it will hinder the service. And if any desire to be essoined by their tithing-man, or other neighbour, then for the first court they may be essoined, and their essoins must be entered as they are for the Hundred Court.]

Then let the bailiff say after the steward: "If any man will enter any plaints, let him be heard." Then if any come to have any plaints entered, then enter them as they are entered in the Hundred Courts, and if need be those declarations and pleadings will serve here. Then call the tithing-man of every tithing with his tithing,[19] and demand of him if his whole tithing be there or no, and ask him what law-day or hundred-silver he hath brought. This done, receive his money, and swear him thus: "*The Tithing-man's Oath:* You shall swear that you shall make true inquiry, and the same present, of all such articles and things as shall be given you in charge, concerning the king's majesty, and the lord of this leet or law-day; wherein you shall no concealment make; you shall spare nothing meet to be presented within your tithing, for love, favour, affection or corruption; neither shall you present any thing for malice, hatred or envy; but according as the truth

[19] Tithing (*Tithinga*, from the Anglo-Saxon *Teothunge*, i.e. *Decuriam*) is, in its first appointment, the number or company of ten men with their families, held together in a society, all being bound for the peaceable behaviour of each other. Of these companies there was one chief person who was called *teothung-man*, at this day *tithing-man*; but the old discipline of tithings is long since left off. In the Saxon times every hundred was divided into ten districts or *tithings*, and the *tithing-men* were to examine and determine all lesser causes between villages and neighbours; but to refer greater matters to the then superior courts, which had a jurisdiction over the whole hundred. (*Paroch. Antiq.* 633; *Black. Com.* i. 113, iv. 404.) *Tithing-men* are now a kind of petty constables, elected by parishes, and sworn into office in the Court Leet, and sometimes by the justices of peace, &c. There is frequently a *tithing-man* in the same town with a constable, who is as it were a deputy to execute the office in the constable's absence; but there are some things which a constable has power to do that *tithing-men* and head-boroughs cannot intermeddle with. (*Dalt.* 3.) When there is no constable of a parish, the office and authority of a tithing-man seems to be the same under another name. (*Stat.* 13 and 14 *Car. II.*, cap. 12.) The law-day or hundred silver, called also hundred-penny and hundred-fee, was a sort of tax or subsidy collected by the steward or bailiffs of manors, from tithings, and by the sheriff of a county from hundreds.

of things have, may or shall come to your knowledge, by information or otherwise, so shall you make a true presentment, So help you God," &c.

Then call the whole tithing [ten men] by name and swear them thus: "The same oath which H. I. your tithingman hath on his part taken before you, you and every of you shall for your parts observe, perform and keep, in every article and thing which shall be given you in charge at the leet. So help you God and the contents of this book." Then call the other officers of the manor in like manner, and so swear the ale-tasters, hay-wards [*i.e.* pinders or pounders], &c., if any such be answerable or ought to appear here, according to their particular offices.

Then call to the bailiff for the names of the jury and bid him return them in writing, whereof must be twenty-four; which return made and delivered, bid the bailiff make an "Oyez," and say after you thus: "You good men that be returned to inquire for our lord the king and the lord of this leet or law-day, answer to your names as you shall be called, every man at the first call, upon pain of amercement." Then call the persons severally by name as they be returned, and prick them openly which do appear, and none else, and when fourteen, fifteen, or more have appeared,[20] then call the foreman to the book and swear him thus: "*The Foreman's Oath:* You shall duly inquire and true presentment make of all such articles and things as shall be given you in charge; the king's majesty's counsel,[21] your fellows', and your own, you shall well and truly keep, and not disclose the same; but here in court you shall present the truth and nothing but the truth. So help you God and the contents of this book." And then let him kiss the book, to affirm his oath. Then call the rest

[20] The Manchester Court Leet jury in 1552 numbered eighteen, but in later years chiefly sixteen, later still fourteen, occasionally fifteen or thirteen, but never so few as twelve. For an analysis of the surnames of juries during fifty-five years, see the Appendix to this volume.

[21] Judge Jenkins has it: "The counsel for the lord protector (commonwealth, king, or anything, as the case alters) your fellows'," &c.

of the jury, by three or four at once, and swear them thus: "All such oath as J. K. your foreman hath taken before you on his part, you and every one of you shall well and truly observe and keep on your part, so God ye help, and the contents of this book." And note, that the steward may impannel any stranger, if there want to make twelve of the jury; because it is for the service of the king, for a presentment made by fewer than twelve is traversible. Then count them. This done, then command the bailiff to make proclamation, and say thus after the steward: "You good men that be impannelled to inquire for our sovereign lord the king and for the lord of this leet or law-day, draw near and hear your charge; and the court commandeth all others to keep silence while the charge is given upon pain of imprisonment."

"*An exhortation to the jury before the charge.* — My masters, you that be sworn, before I enter to give you your charge, I shall exhort you in the fear of God, first of all to remember your duties to Almighty God, next to the king's majesty, and lastly to the lord of this leet or law-day, and therein to have a special regard for the good of the common wealth here, within the precincts of the leet or law-day. God delivered to his servant Moses on the Mount Sinai ten laws or commandments, which are divided into two tables. The four first, which are the first table, do teach us our duties to God; the other six, which are the second table, do teach us our duties one towards another. As the body of man is subject to many sicknesses and diseases, so a kingdom is subject to many mischiefs and inconveniences; and as the one is often curable by physic, so the other is to be redressed and reformed by the due execution of the laws, which are the sinews of the common wealth, to keep it in good order, and the execution of the law is the life of the law, otherwise it is but as a dead thing; and therefore good rulers and magistrates are said to be as fostering fathers and mothers to the common wealth, as well as natural parents are to their own children; and the subject that honoureth his prince, the child that honoureth his parents, and the servant that honoureth his or her master or mistress, ought to honour them of duty, in singleness

of heart, and not for fear of punishment or hope of reward. By the ancient laws of this realm this our kingdom of England is an absolute empire and monarchy, consisting of a head and of a body politic, compact and compound of many members, all which are divided into two general parts, viz. the clergy and the laity, both which, next and immediately under God, ought to be subject and obedient unto the king their head, and they are his members, and he is ordained to this end and purpose, to govern his kingdoms and people, and especially the holy church, and to defend the same from all errors, and from all works of mischief and iniquity, and to root out all malefactors which do disturb the peace of the common wealth, by the due execution of the laws and statutes which are made to that end and purpose. All which he hath committed to his judges and justices and other officers, as it is very meet and convenient he should, because they are his substitutes for the well-governing of this kingdom. And I must tell you that these leets and law-days are very ancient laws, and they were the first laws that ever were used here in England, and they were ordained for two causes, — the one was, that the king might understand by his steward, upon the view of such persons as appeared before him, how many able men there were within the precinct of every law-day, to do him service in his wars, if need should require; for we must understand that at that time all leets and law-days were in the king's hand, and at this day no man can keep a law-day but either by the king's special grant, or else by title of prescription, which first began by the king's grant. And the other cause was for the administration of justice to the inhabitants within the precinct of every leet or law-day; for before the beginning of those leets or law-days, there was no law used, no nor no justice administered, but all onely before the king himself, and wheresoever he was, there was the law used, and justice ministered, and in no place else; and then by reason of the great number of suitors which resorted to the court for law or justice, oftentimes sicknesses and diseases were brought thither, which did endanger the king's person; and also by reason of the multitude of suits which were

there depending, it was long ere matters could be heard and determined, and very troublesome and chargeable to repair so far and stay so long for justice. For remedy whereof this realm was then divided into counties, and so into hundreds, ridings, *lathes*, leets and wapentakes, which are all one in effect, though they differ in name according to the custom of every country. And there is no man living within this realm, but he is resident and abiding within the precinct of some one of these, and there he ought to appear twice every year, if he be not otherwise privileged by his place or office; and if any wrong be done unto any man under the value of forty shillings, there he ought to have redress and not elsewhere. Then these laws were afterwards confirmed by the statute of Marlebridge [Marlborough] cap. 38, [52 Hen. III. cap. 9. 18 Nov. 1267]; before the making of which statute, a lord of a leet or law-day might have kept as many leet or law-days in a year as he would, and as few. But by that statute men were limited and appointed to keep but two every year, viz. one within a month of Easter, and the other within a month of Michaelmas. And afterwards, because men were of sundry opinions, what things were inquirable at leets or law-days and what were not, there was another statute law made in the 17th year of Edward II.,[22] by which it appeareth

[22] The statute "*De Visu Franci-plegii*" (*not* 17 but 18 Edw. II. 1325) sets forth: "Of what things stewards in leets shall inquire," both by common law and under various statutes. It is in fact the charge of a judge, the steward or other presiding officer of the court, to the jury on being sworn: 1. You shall say unto us, by the oath that you have made, if all the jurors that owe suit to this court be come, and which not. 2. If all the chief pledges, or their *dozeins* [see Note 16, p. 19] be come, and which not. 3. If all the dozeins be in the assize of our lord the king, and which not, and who received them. 4. If there be any of the king's villeins fugitive, dwelling otherwise than in the king's demesnes, and have not abiden a year and a day. 5. If there be any of the lord's villeins in frank-pledge, otherwhere than in this court. 6. Of customs and services due to this court, withdrawn; how, and by whom, and in what bailiff's times. 7. Of purprestures [see Note 34] made in lands, woods, and waters, to annoyance. 8. Of walls, houses, dikes, and hedges, set up or beaten down, to annoyance. 9. Of bounds withdrawn and taken away. 10. Of ways or paths opened or stopped. 11. Of waters turned or stopped, or brought from their right course. 12. Of breakers of houses, and of their receivers. 13. Of common thieves,

what things are inquirable at a leet or law-day and what are not; and sithence that time there have been divers other statutes made, whereby divers other articles are inquirable at leets or law-days, which before the making of the statutes were not. Now, therefore, considering that these leets or law-days were first ordained for the causes already delivered by me unto you; considering also that the redress of all wrongs and the punishment of all offenders, here within the precinct of this leet or law-day, resteth in you who are here specially elected, sworn and put in trust, as the most meetest and worthiest men within the precinct of this court for that service, it therefore behoveth you to have a special regard to your oaths therein, that you may the better perform the trust which is reposed in you; for now it is your parts and duties to try right from wrong and truth from falsehood, and to punish offenders and to defend the innocent. The prophet Jeremiah teacheth you a good lesson, and that is this — "Jurabis," saith he, "in veritate, in judic' et in Justicia et amovete amorem, et timorem odium et spem," — that is, you must swear in truth, judgment and justice, not regarding the substance, authority or power of a rich man, nor the imbecility or poverty of a poor man, but rather you must

and of their receivers. 14. Of petty *larons* [thieves] as of geese, hens, or sheaves 15. Of thieves that steal cloths, or of other thieves that do pilfer clothes or other things through windows and walls. 16. Of such as go in message for thieves. 17. Of cries levied and not pursued. 18. Of bloodshed and of frays made. 19. Of escapes of thieves or felons. 20. Of persons outlawed, returned, not having the king's warrant. 21. Of women ravished, not presented before the coroners. 22. Of clippers and forgers of money. 23. Of treasure found. 24. Of the assise of bread and ale broken. 25. Of false measures, as of bushels, gallons, yards and ells. 26. Of false balances and weights. 27. Of such as have double measure, and buy by the great and sell by the less. 28. Of such as continually haunt taverns. 29. Of such as sleep by day and watch by night, and eat and drink well, and have nothing. 30. Of cloth-sellers and curriers of leather, dwelling out of merchant towns. 31. Of such as fly into church or churchyard, and after[ward] depart without doing that which belongeth thereunto. 32. Of persons imprisoned, and after let go without mainprise [friendly custody]. 33. Of such as take doves in winter by door-falls and other engines. 34. And of all these things you shall do us to wit [i.e. make us to know]. by the oath you have taken. (Ruffhead's *Statutes at large*.)

follow the rule of that wise philosopher Plato, who saith thus, That "Justum est judicium ubi non persona, sed opera considerant," — that is a right wise judgment where the person of a man is not regarded, but his offence. "Et ex cordibus vestris omnem affectionem expellite, et memores estote quantas minas Deus instituit pro Juramenti violat'." You must, if you would do as you ought to do, remove all affection out of your minds, and call to remembrance what threatenings God hath laid upon such as have violated their oaths; for it is written in the fourteenth chapter of Leviticus, thus: "Qui blasphemat' nomen dom' morte morietur," that is, He that blasphemeth the name of God shall die the death; and in the fifth chapter of the Acts of the Apostles, it was said to Ananias and Zaphyra, "Non vives qui locutus es mendac' et confestim occisi fuerunt pro mendac' in vendend' Agr'," that is, it was told them that they should not live any longer, because they had dealt deceitfully and made a lie to colour their deceit in selling of a field; and they were presently slain for it. If God did then so punish them for making of a lie, which is a thing so common now-a-days, what will He do to them who do not stick to lie and wilfully forswear themselves? Therefore it behoves us to beware and learn to be warned by other men's harms, lest we fall into the like judgment of God ourselves. In doing well and performing your duties in this service which you are to take in hand, you shall not only please God therein greatly and do the king and the lord of this leet good service, but you shall also do good to yourselves and to your posterities, and therein cause the common wealth to flourish and increase in godliness and piety. But on the contrary part, if you shall be remiss and careless in doing of your duties, therein you shall not only offend God very greatly, and incur the danger of the king's laws, but you shall also embolden and encourage wicked and lewd persons to continue still in their own wickedness, and to go forward *a male ad pejus*, and so to draw on sin upon sin, as it were with cart-ropes, to their utter ruin and destruction. And I would have you to know that if I find you careless and negligent in this service, I may then by the law impannel another jury to

inquire of your concealments, the which if they shall find, then may I set such fines upon you as I shall think fit, according to the quality of your offence. But I hope that you will give me no such occasion, but rather that you will duly and truly inquire of and present all such things as I shall give you in charge. And so I will here cease to trouble you any further by way of exhortation, and proceed as God shall enable me, and your patience, to the particulars of your charge.

The Charge.

Your charge will be somewhat long and tedious, and standeth upon many parts, but I will make it as short as I can, and reduce it into five chief heads or parts, viz.

1. Petty Treasons;
2. Felonies by Statute Law;
3. Felonies by the Common Law;
4. Offences upon divers Statutes and Laws; and
5. Common Annoizances.

And so of these in their order.[23]

Petty Treason. — It is petty treason for a woman to kill her husband, or a clerk [clergyman] his ordinary; and the punishment for these offences is death and loss of lands and goods.

Misprision of Treason. — Next to this is misprision of treason, and that is, when any one knows of the treasons aforesaid, or any of them, and concealeth it twenty-four hours after knowledge thereof had; the punishment for this offence is loss of goods and chattels for ever, and of lands during life, and imperpetual imprisonment.

[23] *High Treason.* — Kitchin says — 1st you ought to inquire if any have counterfeited the great seal, the privy seal, or the arms of this realm. These are high treason, yet inquirable here as felony, and to be certified to the judges of assize. If any counterfeit the money of this realm or of other realm, so that it be current in this realm, that is high treason, but inquirable here, as felony. Likewise the counterfeiting of the sign manual, privy signet, &c. Also clipping, washing or filing of money, which is high treason by 5 Eliz. (1563) and inquirable here as felony. — Judge Jenkins includes high treason in similar terms.

Felonies by Statute Law: Rape. — Next you shall inquire of felonies by statute law, and therein first of rapes, and that is, if any man have ravished, &c., or hath stolen or carried away any widow or maid against their wills and their friends', though it was done to the intent to marry them, yet it is felony, and the offender therein shall suffer death and lose his lands and goods for it. (18 Edw. II. and 1 Hen. VII.)[24]

Hunters by Night. — Next you shall inquire of hunters by night [? poachers] in any forest, park, chase, or warren, with vizards [masks] disguised, to the intent not to be known; if they be apprehended and deny it afore a justice of peace upon their examination, it is felony, but if they confess it, it is then but a trespass, and so finable. (1 Hen. VII.)

Defacers of a Man's Phisnomie. — Next you shall inquire if any man or woman hath defaced another's *phisnomie* [physiognomy or face] in putting wilfully his or her eyes out, or cutting out his or her tongue. Either or both is felony, and the offender shall suffer

[24] Judge Jenkins names adultery as amongst the things inquirable at a Court Leet, as felony. He includes robbery amongst the felonies, and says: "If one be pursued by another, and the person in his flight throws his purse or any other goods into a bush or other place, and the other comes and takes it, this is felony, as well as if he took it from his body, because he parts with his goods for fear of his life." He declares burglary to be felony, "because an Englishman's house is his castle, wherein he ought to repose himself for his safety, and out of which he is not bound to flee." Amongst other offences not enumerated by Wilkinson, but set forth in the charge according to Kitchin, are — *Burglary*, committed by those who in time of peace, break into houses, churches, walls, towers or gates, after sunset and before sunrise, whether they take anything away or not, it is burglary and inquirable. *Robbery* is when a man takes anything from the person of another feloniously; if to the value of a penny, it is felony. *Arson.* To burn a house feloniously is felony by the common law, as is the burning of barns in the night, and inquirable. [*Sacrilege.*] The robbery of churches or chapels, or the taking away of their ornaments is felony, &c. *Theft* is the taking anything of another fraudulently and with the intent of stealing; if above the value of 12*d.* it is theft and inquirable. *Rescous.* If any rescue another taken for felony, it is felony, &c. *Doves, Pigeons, Hawks.* Any taking of doves from dovecotes in the night with felonious intent is felony, but not if taken wild and outside of dovecotes. Any taking of carrier [*invens*] pigeons or sitting goshawks in their nests in the night is felony. (14 Hen. VIII. and 18 Edw. IV. fol. 8.)

death and lose lands and goods. (5 Hen. VII.) [Jenkins puts foremost in this class of offences "cutting off a man's nose."]

Servants Embezzling their Masters' Goods. — Also you shall inquire of servants which have embezzled their master's or their mistress' goods, being put in trust therewith; if it amount to 40^{s} and upwards it is felony (21 Hen. VIII. cap. 7) and the offenders shall suffer death in this case, and lose lands and goods.

Witches and Sorcerers. — Also ye shall inquire of witches and sorcerers; for if any of them have killed or destroyed any man, woman or child with witchcraft or sorcery, it is in them felony, and the offender shall lose both his lands and goods for it. (5th Eliz.)[25]

Rebellions. — (1 and 5 Eliz.) Also you shall inquire of rebellions, riots, routs and unlawful assemblies, and that is where persons to the number of twelve or upwards, do with force unlawfully go about to alter laws made by act of parliament, or any other laws of this realm, and being required by the king's officers, upon proclamation, to return to their dwellings, and yet do remain together by the space of one hour after such proclamation made, or after do attempt the like thing, it is felony. (1 Eliz.) And so it is where any such number have assembled themselves together to break or dig up, or cast down, any pales, hedges, ditches, or other inclosures, or to pull up any pond-heads, conduits, or pipes, to the intent to kill or destroy any deer in any park, coneys in any war-

[25] The statute 33 Hen. VIII. cap. 8 (1541) made it felony to practise conjuration, witchcraft, enchantment, or sorcery, to get money, or to consume any person in his body, members, or goods; or to provoke any person to unlawful love: or for the despite of Christ, or lucre of money, to pull down any cross, or to declare where goods stolen be. This was repealed by 1 Edw. VI. cap. 12 (1547); but the 5th Eliz. cap. 16 (1562) imposed penalties for conjuration or invocations of wicked spirits, for witchcraft, enchantment, charm, or sorcery. The great statute, however, was that of Jac. I. cap. 12 (1603) which for any conjuration, &c., whereby any person is killed or lamed, made it felony, punishable by death without benefit of clergy. For the minor offences, one year's imprisonment and four quarterly times in that year the pillory for six hours, and there openly to confess the offence; and for the second offence, death as a felon.

ren, or fish in any fish-ponds; or have fired any dwelling-house, or any barn wherein any corn was laid, or any rick of corn; or ring any bell, sound any trumpet or drum, wind any horn, fire any beacon, or speak any rebellious words; or bring or send any money, victual, harness, or weapon, to any such rebellious persons, [it] is felony, and the offenders herein shall suffer death, and lose lands and goods. Also there are concealers of these offences, the which if they conceal twenty-four hours, they are to have nine months' imprisonment, without bail or mainprise; and farmers and copyholders ought to lose their farms and copyholds if they refuse to go to repress such rebellion as is aforesaid.[26]

Felonies by the Common Law. — Next you shall inquire of felonies by the common law, and that is where any doth steal to the value of 12^{d} or upwards; or doth steal any marked swans, or their cygnet, or their eggs, or tame deer, or rob churches, chapels, pigeon houses or dwelling houses, or any upon the highway, though he take but the worth of a penny from him, it is felony, and the offender shall die for it and lose his lands and goods, and so shall their accessory.

Petty Larceny. — Also you shall inquire of petty larceny, and those [larceners] be such as steal pigs, geese, hens, chickens, corn out of fields, clothes from hedges or out of windows, rob orchards, or go in thieves' messages; the offenders herein are to have corporal punishment, and so their accessories; but they forfeit their goods if they have any.[27]

☞ Now I must tell you that all those offences which I have already spoken of unto you, are but only to be here inquired of

[26] There is no *riot*, unless there be three at the least, who do an illegal act. An *unlawful assembly* is, where people assemble together for an evil purpose, even if they do nothing. A *rout* is where they assemble in number and then proceed or move forward towards evil, although no act be done, as to overthrow inclosures, in their attempts, that is a rout. (*Kitchin.*)

[27] Judge Jenkins observes that "for these offences the House of Correction were more proper for the offender than the gaol and punishment used; and so likewise more satisfactorily might all felonies be expiated by the felon's labour, till restoration be made, than by death."

and presented, but not here punished; but they are to be punished by the justices of the shire, upon certificate made thereof by the steward of a leet or lawday.

But now follow the offences which are both here to be inquired of, presented, and punished.

Affrays and Bloodsheds. — And therefore, because man is the worthiest creature that God made, I will first begin to put you in remembrance of the law made for his safety and preservation. You shall therefore first inquire if any man within your inquiry have broken the peace, or made any affray or bloodshed. If any have offended herein, you must present him or them, and the manner of it, with what weapon, for that it is forfeit to the lord of this leet, and the offender or offenders are to be fined for such offence.

Hue and Cry. — Next you shall inquire whether hue and cry after thieves and robbers have been duly pursued and followed as they ought to have been or no; if not, then you must present him or them that made default therein, for he forfeits 5*l.* (13 Edw. II., and 28 Edw. III. cap. 2.)[28]

Constables and Tything-men to punish Rogues. — Also you shall inquire how constables and tything-men have executed their offices in punishing of rogues, vagabonds and sturdy beggars which have come within their charge; for if they have been remiss therein, then they ought to lose 20^{s} for every default. No man or woman may be suffered to beg by the law, nor no man or woman may give any alms, upon pain of 10^{s} for every time they give.

Who are said to be rogues. — These persons by particular are said to be by the statute [3 Jac. I.] rogues, viz., procters of spittle-houses, patent gatherers, or collectors for gaols, prisons or hospitals, fencers, bearwards, common players of interludes, minstrels wandering abroad, glassmen, sailors, soldiers, scholars, and all other idle persons which go about begging.

Stocks in every Tything. — Also for the punishment of these

[28] The whole commonalty shall be taken, and shall repair at the summons of the sheriff and at the cry of the peace, to follow and seize felons, &c., as well within franchises as without. (3 Edw. III. cap. 9. *Kitchin.*)

offenders, you shall inquire if there be in every tything a pair of stocks, according as there ought to be by the statute, or no; if there be not, then the tything do lose 5*l.*[29]

Artillery to be Maintained. — Also you shall inquire whether every one have bow and arrows, according to the statute (33 Henry VIII. cap. 9) or no; for every man-child from seven years old to seventeen, ought to have a bow and two arrows; and every man from seventeen to three score, ought to have a bow and four arrows, upon pain of 6^{s} 8^{d} for every default; and parents ought to provide them for their children, and masters for their servants, with their wages, or else they ought to undergo the penalty thereof.[30]

Butts in every Tything. — And also for the exercise of archers in shooting at times convenient, there ought to be butts made in every tything, village and hamlet, or else the tything &c. ought to lose 20^{s} for every three months wanting butts there. (33 Henry VIII. cap. 9.)

Plays or Games. — Also you shall inquire if any alehouse-keeper or other person do keep any unlawful games in his or their houses or elsewhere, as cards, dice, tables, loggets, quoits, bowls, or such like: in this case the housekeeper loseth for every day 40^{s} and every player 6^{s} 8^{d} for every time.

Also constables ought to search monthly for such unlawful games and disorders in alehouses, upon pain of 40^{s}, and they may

[29] Note that every place that belongeth to the View of Frank-pledge, ought to have pillory and tumbrel to execute justice. And also in every town where there is a leet there shall be stocks, and for the lack of these the town shall forfeit 5*l.* and it is inquirable. (*Kitchin.*)

[30] Every one being a subject of the king, under sixty years of age, not lame nor having any hindrance, ought to shoot in the long-bow, and to have one bow and arrows as followeth: Every man-child in the house from seven years old to seventeen ought to have one bow and two shafts. Every one from seventeen to forty, one bow and four arrows. No one under the age of twenty-four ought to shoot at pricks [wands or rods], nor at twelve-score [yards], or under one shaft or flight. Forfeiture 6*s.* 8*d.* for every three months not having these bows and arrows. The forfeiture for such shooting at pricks is 4*d.* the shoot, and at twelve-score and under as above 6*s.* 8*d.* the shoot, by the statute 33 Hen. VIII. cap 9. (*Kitchin.*)

arrest such as they find playing at unlawful games, and commit them to ward until they put in sureties not to play any more at any unlawful game.[31]

No man may plan at any unlawful game *insatiably*, unless he can dispend 100*l.* per annum in lands, fees, or offices, for life at the least; and he may not play neither in any open place, where every one that will may see him, but in his house or in his orchard or garden, upon pain of 6s 8d for every time; except in the Christmas time, for then all men may play. (33 Hen. VIII.)

Shooting in Guns. — Next you shall inquire of such as shoot in

[31] No one for his lucre or gain ought to keep any common house, alley or place of bowling, dicing, tabling, carding, tennis, or other unlawful gaming, on pain for every day 40*s.* No artificer, husbandman, handicraftsman, apprentice, journeyman or servant of artificer, mariners, fishermen, watermen, or any serving man, ought to play at any of the aforesaid unlawful games except in Christmas time; penalty 20*s.* every time. And in Christmas they may play in the houses or in the presence of their masters. No person to bowl in any place beyond his garden or orchard, 6*s.* 8*d.* But it is lawful for noblemen, and for every one who can dispend in 100*l.* a year in lands or profits for life, to license their servants and others coming to their houses, to play at bowls, cards, dice and other unlawful games, and not to incur the penalty of this statute. (33 Hen. VIII. cap. 9. *Kitchin.*) Judge Jenkins says that "amongst these caterpillars of the commonwealth the gamester is the principal worm." He enumerates among unlawful games — "Tables, cards, or dice, quoits, clash, loggets or ninepins, shove-groat, otherwise called slide-thrift, and bowls." By 17 Edw. IV. cap. 3 (1477) whosoever shall occupy a house or place of closh, kayles, half-bowl, hand-in, hand-out, or queck-board, shall be three years imprisoned and forfeit 20*l.*; and he that will use any of the said games shall be two years imprisoned and forfeit 10*l.* The statute 33 Hen. VIII. cap. 9 (1541) includes among unlawful games — "Tables, tennis, dice, cards, bowls, clash, quoiting and loggating." Strutt in his *Sports and Pastimes* says that cloish or closh seems to have been the same as kayles, or at least exceedingly like it. It was played with pins thrown at with a bowl instead of a truncheon, and resembled the modern ninepins. Loggats was a game analogous to closh and kayles, but played chiefly by boys and rustics, who substituted bones for pins, and threw at them with another bone. *Hamlet* asks, "Did these bones cost no more the breeding, but to play at loggats with them?" Shove-groat, slip-groat, or slide-thrift, is a game still played in some parts of the north of England. Half-bowl was played with pins and one-half of a sphere of wood, upon the floor of a room. It is said to be still played in Hertfordshire under the name of rolly-polly. Hand-in and hand-out was a ring-game, played by boys and girls, like kissing-ring. Queck-board is supposed to have been a game like shovel or shuffle board. *Queck* is a push or blow.

hand-guns or cross-bows; for no man may shoot in them unless he can dispend 100*l.* per annum in lands, tenements, offices, annuities or fees; neither may those shoot at any pheasant, partridge, heron, duck, mallard, house-dove, pigeon, widgeon, teal, or heath-cock, upon pain of 10*l.* for every shoot. (33 Hen. VIII., cap. 6.)

Also by another law, made 1 Jac. I. he that shoots in a gun, cross-bow, or long-bow, at any of the fowls aforesaid, or at any hare or deer, and cannot dispend 10*l.* yearly in lands, nor is worth 200*l.* in goods, shall forfeit 20[s] for every shoot, which shall be to the use of the poor of the parish wherein such offence is committed, if the same be either confessed, or proved by two witnesses; or else if the offender be not able to pay the said penalty, or will not, then he must have three months' imprisonment without bail or mainprise. But if such offender can dispend 10*l.* per annum and more, then he shall forfeit 40[s] to the use aforesaid, and find sufficient sureties that he shall offend therein no more.[32]

[32] No one may shoot in any handgun, *demyhake*, *hagbut* [species of harquebuss with barrels three quarters of a yard long, and the stocks *haqued* or hooked] or cross-bow, or keep such in his house to that intent or otherwise, unless he can dispend 100*l.* on pain of losing each time 10*l.* Every one who would shoot or carry, use or have in his house, or other place, any handgun, other than such as shall be in the stock and gun of the length of one yard, or any *hagbut* or *demyhake*, other than of the length (in stock and gun) of three quarters of a yard, shall forfeit 10*l.* — Every one having lands, fees, annuities or offices, of the yearly value of 100*l.* may seize and take these guns aforesaid, and also every cross-bow, of any one not having lands, &c., of the value of 100*l.* by year. No one not having 100*l.* of land by year ought to carry on the highway in his travelling any cross-bow bent, or gun charged, unless in time of war-service, on pain of 10*l.* Any one who shoots in handgun, demyhake or hagbut in city or market town, or within one quarter of a mile of them, shall forfeit 10*l.* each shoot. If any master orders his servant to shoot in handgun, demyhake, hagbut or cross-bow, at deer, fowl or other thing, unless it be at the bank or on the butt of the earth, or in war-time, he shall forfeit 10*l.* But it is provided that gentlemen, yeomen and serving-men of any lord, spiritual or temporal, and of knights, esquires and gentlemen, and of all inhabitants of cities, boroughs, market towns, may shoot at any butt or bank of earth, provided that their guns are of the aforesaid lengths. And lords, knights, esquires and gentlemen and the inhabitants aforesaid, may also keep them to shoot at the butt or bank; and any person may (two miles distant from any town) keep them for defence of their houses. Also it is lawful for every one charged by 4 and 5 Phil. and Mary to find a hagbut, to have it in his house. (*Kitchin.*)

But by the same law all such as have placards or licenses may kill crows, rooks, choughs, pyes, jays, ring-doves, and other small birds, for hawks' meat only, with a gun or otherwise.

Highways.[33] — Next you shall inquire whether your highways be sufficiently amended and made passable, as they ought to be, or no; for to that end and purpose there ought to be two supervisors chosen in every parish, between Easter and Midsummer, by the constables and churchwardens, and there ought to be six days appointed for amending of highways, eight hours every day, upon pain of 20^{s}, to be lost by the supervisors. And every one that hath a cart ought to send two able men with it, with tools fit for that service, or else to lose 10^{s} for every day wanting. And every householder ought to find an able man for that service, or else to lose 12^{d} for every day wanting. And they ought most chiefly to amend the ways leading to market towns, and they may gather stones in any man's ground, and also dig pits of ten yards square in any man's several, for stones and rubbish (if it be needful), filling the same up again, without danger of law. And they must turn springs, if they can, out of the highways, and trees and hedges which hang over the king's highways must be cut and shredded, upon pain of 10^{s} for every default. (8 Hen. VII., fo. 6, and 18 Eliz.)

[33] To amend highways to markets there shall be chosen on the Tuesday or market day in Easter week two surveyors, and if any chosen refuse 20*s*. and by this statute (2 and 3 Phil. and Mary, cap. 8) each ought to labour four days, and they shall have their days appointed on the next Sunday following in the church, and it shall be done before Midsummer. He that has one carve of land, or pasture, or one cart, shall be four days with it and two men, 10*s*. a day. And every one who holds a house, every cottager and labourer, not being hired servants by the year, shall be there for four days (on pain of 12*d*. a day) and owe the labour of eight hours in the day. (*Kitchin*.) Among other offences presentable Judge Jenkins says: — "If any person of the age of sixteen years or more shall wilfully absent himself from his parish church, and shall not repair thereunto, or some other lawful parish church or chapel during the space of a month, for every month so refusing and not having a lawful excuse to the contrary 20*l*. (one-third to the lord protector [Cromwell], another to the poor of the parish, and the third to the informer)." The judge adds: "I see no reason why Anabaptists, and those called Quakers and Ranters too, should be exempted from the penalty of this statute, any more than the Papists."

Purprestures and Assarts. — Next you shall inquire of purprestures and assarts, and that is where any wall, hedge, ditch or house is set, levied, or abated [? thrown down] in the king's highway, or any watercourse stopped, or turned into the highway, to hinder the passage of the king's subjects, or any way annoy them. (18 Edw. II.)[34]

Bounds and Marks. — Also you shall inquire whether any meare-stones or stakes, bonds or marks, between this lordship and any other, or between tenant and tenant, hath been removed since the last law-day or before, and not set in the usual place again; if there be any which have offended herein, you must present them.

Highways or Footsteps [*sic*] *stopped up.* — Also if any highways or foot paths to church, mill or market, be stopped or hedged up, which have been accustomed to be open, you must present him or them which shut it up, for the king's subjects must not be stopped of his [their] lawful passage to church, mill or market.

Common Bridges Broken. — Also if any common bridges over common streams be broken, that by reason thereof the king's subjects cannot pass about their affairs and businesses, you must present those which ought to make them, upon a pain.

Sleepers by Day and Walkers by Night. — Also you shall inquire of sleepers by day and walkers by night, to steal and purloin other men's goods, and coneys out of warrens, fish out of men's several ponds or waters, hens from *henrouse* [roosts] or any other thing

[34] Pourpresture (*pourprestura*, from the French *pourpris*, *conseptum*, an inclosure), is generally when anything is done to the nuisance of the king's tenants. (*Kitchin*, 10, *Manwood*, cap. 10.) Pourpresture against the lord is when the tenant neglects to perform what he is bound to do for the chief lord, or in any wise deprives him of his right. (*Cowell.*) Pourpresture against a neighbour is of the same nature. (*Jacob.*) If any purprestures are made on the land, wood and water, as blocks, stocks, ditch or hayes made, or ditch filled up, to the annoisance of the people, or anything be done to the annoisance of the people, to wit of the multitude, and not to one only, it is inquirable, 18 Edw. II. (*Kitchin.*) If there be any common *Barettors* in the lordship, as *scolds* and *brawlers*, to the annoyance and disturbance of their neighbours, present their names. (*Ib.*) A barettor is a common mover in suits or quarrels, in the courts, or elsewhere; an inciter or provoker to litigation.

whatsoever, for they are ill members in a common wealth, and deserve punishment; therefore, if you know any such, present them.

Eaves-Droppers. — Also you shall inquire of eaves-droppers, and those are such as by night stand or lie hearkening under walls or windows of other men, to hear what is said in another man's house, to the end to set debate and dissension between neighbours, which is a very ill office; therefore, if you know any such, present them.

Forestallers, Regraters, and Ingrossers. — Also you shall inquire of forestallers, regraters, and ingrossers, evil members in a common wealth. A forestaller is he which buyeth, or causeth to be bought, any victuals whatsoever going to any fair or market to be sold, and maketh any bargain for the buying thereof before the same be brought into the fair or market, or doth make any motion for the enhancing of the price of any victuals, or doth move or persuade any person coming to the fair or market with victuals, to absent and forbear his coming thither with any victual to be sold there.[35]

[35] Forestal (*Forestallamentum*, from the Saxon *fore i.e. via*, and *stal*) is to intercept on the highway. In our law forestalling is the buying or bargaining for any corn, cattle, or other merchandise, by the way, as they come to fairs or markets to be sold, before they are brought thither, to the intent to sell the same again at a higher and dearer price. All endeavours to enhance the common price of any victuals or merchandise, and practices which have an apparent tendency thereto, whether by spreading false rumours, or buying things in a market before the accustomed hour, or by buying and selling again the same thing in the same market, &c., are highly criminal by the common law; and all such offences anciently came under the general appellation of forestalling. (3 *Inst.* 195, 196.) Corn may not be sold in the sheaf before thrashed; for by such sale the market is in effect forestalled. A forestaller is a person guilty in any of the instances and particulars described of forestalling. (*Jacob.*) By a statute of unknown date, it is enacted (cap. 10), 1. That no forestaller be suffered to dwell in any town which is an open oppressor of poor people, and of all the commonalty, and an enemy of the whole shire and country; which, for greediness of his private gain, doth prevent others in buying grain, fish, herring, or any other thing to be sold, coming by land or water, oppressing the poor and deceiving the rich; which carryeth away such things intending to sell them more dear. 2. The which [forestallers] come to merchants strangers that bring merchandize, offering them to buy, and informing them that their goods might be dearer sold than they intended to sell; and a whole town or a country [district] is deceived by such craft and subtlety. 3. He that is convict thereof the first time shall be amerced, and shall lose the thing so bought,

A regrator is he that getteth into his hands in any fair or market any corn, tallow, or candles, or any dead victual whatsoever, brought to any fair or market to be sold, and doth sell the same again in any fair or market within four miles next adjoining thereunto.[36]

An ingrosser is he or she that doth ingross and get into his or her hands, by buying or promise taken, other than by demise, grant, or lease, of bond or bill, of corn growing in the fields, or any other corn, grain, butter, cheese, fish, or any other dead victual whatsoever, to the intent to sell the same again for profit.[37]

and that according to the custom and ordinance of the town. 4. He that is convict the second time shall have judgment of the pillory. 5. At the third time he shall be imprisoned and make fine. 6. The fourth time he shall abjure the town. This judgment shall be given upon all manner of forestallers, and likewise upon them that have given them counsel, help, or favour.

[36] *Regrator* (*Regratarius*, Fr. *Regrateur*) signifies one who buys and sells any wares or victuals in the same market or fair. Regrators are particularly described to be those who buy, or get into their hands, in fairs or markets, any grain, fish, butter, cheese, sheep, lambs, calves, swine, pigs, geese, capons, hens, chickens, pigeons, coneys, or other dead victuals whatsoever, brought to a fair or market to be sold there, and do sell the same again in the same fair, market, or place, or in some other within four miles thereof. (*Stat. 5 and 6 Edw. VI.* c. 14; 13 *Eliz.* cap. 25.) Regrating is a kind of huckstry, by which victuals are made dearer; for every seller will gain something, which must of consequence enhance the price. (3 *Inst.* 195.) In ancient times both the ingrosser and regrator were comprehended under the word forestaller. (*Ib.*) *Regrators* are punishable by loss and forfeiture of goods, and imprisonment, in proportion to the first, second or third offence, &c. (*Jacob.*)

[37] Ingrosser (*ingrossator*) is one who buys and sells any thing by wholesale; and whoever shall get into his hands, [&c. as in the text], shall be reputed an unlawful ingrosser, by stat. 5 and 6 Edw. VI. cap. 14. Such victual only as is necessary for the food of man is within the purview of the statute; therefore apples and fruits are not within the meaning of it. It has been held that hops are not within the statute. (3 *Inst.* 195; *H. P. C.* 152; *Cro. Car.* 231.) Foreign corn and victuals, except fish or salt, are exempted, and not within the penalty of the statute 13 Eliz. cap. 25. Licensed badgers are excepted; as are likewise fishmongers, butchers, poulterers, &c., buying any thing in their own faculties, otherwise than by forestalling and selling the same again at reasonable prices by retail. (1 *Hawk.* 240.) The bare ingrossing [buying up] of a whole commodity, with intent to sell it at an unreasonable price, is an offence indictable at common law, whether any part be thereof sold by the ingrosser or not. (*Jacob.*)

For the first offence they ought to have two months' imprisonment, without bail or mainprise, and forfeit the value of the goods bought and sold.

For the second offence they ought to have half a year's imprisonment, and to forfeit double the value of the goods bought and sold.

For the third offence they ought to be set upon the pillory, and to lose all their goods and chattels, and be imprisoned during the king's pleasure.

Cattle Sold within Five Weeks. — Also you shall inquire of such as use to buy cattle and to sell them again within five weeks; they ought to lose double the value of their cattle.

Of Butchers. — No butcher ought not to sell in any open fair or market any other victual than that which is good and wholesome for man's body, and for reasonable gains, and not at excessive prices.

Shoemakers. — They ought to make their shoes and boots of good and well-tanned leather and well liquored, curried and sewed, to keep men dry of their legs and feet.

Tanners. — Also you shall inquire of tanners that have used the occupation of a cordwainer, or of a currier, or that hath put any leather to sale but red leather as it came from the tan-fat [vat], or that hath put any hide or piece of leather to sale before it be well dried, marked and sorted, and then sold in open market; or that hath tanned any sheep-skins.[38]

[38] No one ought to gash or cut any skin of bull, ox, bullock or cow. If any tanner offer any such, gashed, for sale, he shall forfeit for each 20*d*. No one shall kill any calf to sell, being under the age of five weeks, 6*s*. 8*d*. No one shall be at once both a butcher and a tanner, 6*s*. 8*d*. No tanner shall be a shoemaker, currier, or butcher at the same time, on pain of losing the leather wrought, or its value. No tanner shall tan any skin of bull, horse-skin, sheep-skin, on pain of forfeiting the same. No person shall cut any oak fit to be barked, where the bark is of the value of 2*s*. the load, but between the first day of April and the last of June, and unless it be to build or repair a house, on pain of the same or of double the value. No one may buy any rough skins or wet skins in the hair but the tanner, except salt hides for *neifes* (?). No currier ought to curry any leather in the house of any shoemaker. And no one ought to curry leather badly tanned. (5 *Eliz.* cap. 8. *Kitchin.*)

Glovers. — Also you shall inquire whether glovers or white tawers of leather do make any other ware than that which is good and substantial, well tawed and dried, and not rotten nor tainted, and sell the same at reasonable prices. And a white tawer may taw no calf-skins except they be put to him to be tanned, upon pain to lose for every calf-skin 20^{d}.

Bakers. — Also you shall inquire whether the bakers do their duties or not, in making of good and wholesome bread for man's body, of sweet corn and not corrupted, and that they make their bread in weight and according to the price of wheat in three markets next adjoining, not changing the assize of bread but by sixpence in weight in increasing or abating; and if they do the contrary, and be thereof duly convicted, then for the first, second and third time they shall be amerced after the quality of their fault, and shall lose from time to time the bread so found too light in weight; but if they shall be found faulty herein the fourth time, then they must be set upon the pillory in open market; whose punishment may not be released for gold or silver.

Also a baker must set his own proper mark upon every loaf of bread that he maketh and selleth; to the end that if any bread be faulty in weight, it may then be known in whom the fault is. (51 Edw. III.)

Brewers. — Also you shall inquire of brewers and *typlers*,[39] whether they make good and wholesome ale and beer for man's body or not, and sell and utter the same according to the laws and statutes of this realm. And also they ought not to put out their sign or *ale-stake*[40] until their ale be assayed by the ale-taster, and then to sell and not before. (5 Hen. III. and 51 Edw. III.)

[39] If any *tiplers* [keepers of tippling or beer-houses] sell by cups or dishes, or by measures sealed or unsealed, it is inquirable. (*Kitchin.*) Innkeepers shall not sell hay or oats but at reasonable prices, and not taking for a bushel more than a halfpenny beyond the common price in the market, and taking nothing for litter, and this is inquirable. (12 Ric. II. 8; *Kitchin.*) Every hostler or innholder may bake his horse-bread in his house in any thoroughfare town, which is not a city, wherein common bakers live, and if he doth not make it and bake it according to the prices of grain he is to be punished in the leet. (38 Hen. VIII. 41; *Kitchin.*)

Fishers. — Also you shall inquire of fishers whether they do their duties or no, in bringing to the market such fish as is good and wholesome for man's body, and not corrupt or stinking, and there sell the same at reasonable prices, without taking of any excessive gains, but only for every 12^{d} bestowing one penny clear gains over and besides their charges; and if any fisher shall do the contrary, then he shall be grievously amerced from time to time, and his fish, if it be corrupt and stinking, to be taken from him and openly burned in the market.

Also no person may kill or destroy any young fry of fish, in whatsoever river, fresh or salt, nor kill or take any salmon or trout, or any pike or *pickeril*, not being in length ten inches of clear fish or more, nor any barbel, except he be twelve inches long in clear fish or more, upon pain of 20^{s} for every fish so taken and killed, being not of the several lengths aforesaid.

Also no man ought to fish with any net or engine, angling only excepted, but with such net or *trannell* [trammel] as every mesh shall be two and a half inches wide; except nets only to take [smelts, *Kitchin*] loaches, minnows, *bulheads*, gudgeons, eels, and none other fish, upon pain of 20^{s} for every time offending and loss of the fish and the unlawful net.[41]

Conspiracy of Victuallers [*Artificers or Labourers*]. — Also you shall inquire of the conspiracy of victuallers, and that is where any butcher, baker, brewer, poulter or cook, shall or do conspire, promise, or take oath, that they will not sell their victuals but at certain prices; Or if any artificers or labourers do conspire, promise, or covenant likewise, not to do the work which others have

[40] (*Page* 41.) Ale-stake. A may-pole was called an ale-stake, because country people drew much ale there. But the ale-stake was properly a long stake driven into the ground, with a sign on it that ale was to be sold. (*Jacob.*)

[41] If any one by day or night break or destroy the head or dam of any pond, pool, moat, standing water, stew, or pit several, in which is fish of the lord, to the intent to steal the fish, he shall pay to the lord threefold damages and shall be imprisoned three months, and afterwards find surety for seven years for his good behaviour. Note this statute is general; any one to have his remedy. (5 Eliz. cap. 21; *Kitchin.*)

begun, or will do but certain work in a day, or will not work but at certain hours or times; then every such person so conspiring, promising, swearing and offending, being thereof lawfully convicted, shall forfeit for the first offence 10*l.* If he have it to pay, then he must pay it within six days after his conviction, or else he is to have twenty days' imprisonment, and have only bread and water for his sustenance; and for the second offence 20*l.*, to be paid as is aforesaid, or else to suffer punishment on the pillory; and for the third offence he shall lose 40*l.*, to be paid as is aforesaid, or else to be set upon the pillory and *lose one of his ears*, and ever after to be taken as an infamous person. And if such conspiracy shall happen to be made by any company or corporation, they shall lose their corporation, besides the penalty of the particular punishment aforesaid. (2 Edw. VI.)

False Weights and Double Measures. — Also, if any within your inquiry shall use any false weights or double measures, in deceiving of the king's subjects, in buying with a great measure and selling with a less, the offender thereof therein shall be grievously punished and imprisoned until he hath made fine with the king for his offence.[42]

No man ought to sell any corn, ale, bread, or wine, but by a measure sealed with this letter H, upon pain of forfeiture for the first offence 6^{s} 8^{d}, for the second offence 13^{s} 4^{d}, and for the third offence 20^{s}, and to be set on the pillory, to the example of others, and the measure not sealed to be broken; all which forfeitures are to the lord of the liberty where such offence is committed, and if it be in a city or borough, then it is to the mayor and commonalty. (51 Edw. III.)

Hares. — Also you shall inquire of such as use to trace hares in the snow, or to kill hares with hare-pipes or other engines; for by an old law (14 Hen. VIII. cap. 11) they forfeit 6^{s} 8^{d} for every

[42] If any use false measures of bushels, gallons, yard or ells, or false balances or weights, they are inquirable. (8 Hen. VI. cap. 5, *Magna Carta*, capp. 25, 51; Hen. III. *Tit. Weights and Measures*, 5; *Double Weights and Measures*, 27 Edw. III. 10; *Kitchin.*)

hare so killed; but by a later law, made in the first year of the king that now is (1 Jac. I.) the forfeiture is 20s.[43]

Greyhounds, Ferrets, Nets. — No lay man may lawfully keep any greyhound, or hunting-dog, ferrets, or nets, unless he can dispend 40s per annum, freehold; nor no spiritual man [clerk or clergyman] unless he can dispend 10*l.* per annum of spiritual promotion; on pain of a year's imprisonment.

Crow Net. — Next you shall inquire if there be in every parish and tything within your inquiry a crow-net, provided to kill and destroy crows, rooks and choughs, according to the statute (5 Eliz.) or no; if there be not, they ought to lose 10s for every default; and it is not enough to have one, but it must be used, and *scrapes* made in the winter to the purpose, upon the like pain; but house-doves and pigeons may not in any case be taken with it. (5 Jac. I.)[44]

Apparel. — And you shall inquire of such as exceed in apparel, contrary to the statute (24 Hen. VIII.); for no man, except he can dispend 20*l.* yearly in lands for his life at least, or is worth 200*l.* in goods, ought to wear any silk on his hat, hose, shoes, girdle, scabbard, or spur leathers, upon pain for every day's wearing of it 10*l.* and three months' imprisonment. And if any man know his servant to offend herein, and do not put him away and not take him again within a year after, [he] doth forfeit 100*l.* for every such offence by the same statute. And these persons only are excepted out of the statute, viz.: the king's council, the barons of the exchequer, judges of the law, serjeants-at-law, the king's physicians, mayors and recorders of cities and towns corporate, and their wives.[45]

[43] No one may track, destroy, nor kill any hare in the snow, with dog, bitch or otherwise, 6*s.* 8*d.* (14 Hen. VIII. cap. 11; *Kitchin.*)

[44] It is inquirable if there be any crow-nets; if not, the lord shall have the moiety of 10*s.* which shall be forfeited by the parish or town for default thereof, for this statute (24 Hen. VIII. cap. 10) is revived by the 8 Eliz. cap. 15. In the old French, the *scrape* of the text is termed "*sharpe* de chaffe;" in a black-letter copy of the act it is called a *shrape*. It is a snare baited with corn or chaff. If crows' nests be not thrown down in the beginning, when they begin to breed, the place shall be amerced. (*Kitchin.*)

Refuse to go to Muster. — Also you shall inquire if any have refused to go to musters; if there be any such they ought to lose 40s and to have ten days' imprisonment.[46]

Watering Hemp or Flax. — Also no man ought to water any hemp or flax in any running stream, upon pain of 20s.[47]

[46] (*Page* 44.) Kitchin gives a list compiled from the Statute of Apparel (24 Hen. VIII. cap. 13), to the following effect: If a man have not 100*l.* in land, he may not use velvet in jackets, doublets or purses. Nor damask, silk, camlet or taffeta in toges, coats or uttermost garments. If he have not 40*l.* &c. he may not use chalet or silk in toges or uttermost garments. Nor velvet in jackets, jerkins or caps. Nor any silk, satin, damask, taffeta or sarcenet in doublets. Nor sarcenet, camlet or taffeta in facing toges. If he have not 20*l.* &c. he may not use silk in toges, pallies [pelisse], hose, &c. Nor satin, damask, taffeta, sarcenet in doublets or coifs; but he may wear camlet in jackets. If he have not 10*l.* he may not use any silk in doublets, jackets, toges or pallies; but he may use camlet in doublets and jackets. — As to *Furs*, no one beneath the degree of an earl may use sable. If a man have not 40*l.* &c. he may not use foins, gray junets, martens, squirrel, fox or gray. Nor coney, hare or other fur growing in this kingdom, Wales or Ireland. If he have 20*l.* he may not use black coney, or budge. Under 20*l.* gray coney, black lamb, or white lamb. *Chains of gold*: No one beneath the degree of a knight may use any collar of SS. No one may use any chain of less weight than 10 oz. of gold. No one unless he hath 40*l.* may use aiglets, buttons, or brooches. By the statute 1 Phil. and Mary (1554) no person born in the king's dominions, save the son and heir of a knight, or other of that degree, or unless he can dispend 20*l.* by the year, or hath to the value of 200*l.* in goods, shall use silk in hat, bonnet, night-cap, girdle, scabbard, hose, shoes or spur-leather, under a penalty for every day of 10*l.* *Hats and Caps* (13 Eliz. cap 29): Every one under the age of six years shall wear on Sundays or holidays, unless it be in travelling beyond the town, a cap of wool on the head, all made and dressed in England, except maidens, ladies [of lords], ladies [of knights — *dames et madames*] and gentlewomen, noble persons, and every lord and knight. Gentlemen of twenty marks [13*l.* 6*s.* 8*d.*] and their heirs, such as have to support an office of worship in city or county, and wardens of worshipful companies in London, are also exempt. The forfeiture is 3*s.* 4*d.* the day, one half to the lord of the leet, the other to the poor. Parents, guardians, governors and masters are to pay the forfeit for their children, servants and wards under twenty-one years of age, who are under their rule and charge. (*Kitchin.*)

[46] Such as refuse to come to musters before any person authorised to take the same, shall be imprisoned for ten days, unless he pay to the king 40*s.*; and if any person appointed to take musters receive any money to release any one appointed to serve, he shall forfeit tenfold what he receives. (4 and 5 Phil. and Mary, cap. 3; *Kitchin.*)

[47] If any one water any hemp or flax in any river, running water, stream, or in other common pond or water where cattle hath used to be watered, 20*s.*, but only

Unsworn Lieges. — Also you shall inquire if any man have received into his service any servant, and hath kept him by the space of a year, and not sworn to the king according to the statute (41 Edw. IV. fo. 26); his master must be amerced, and the minister ought not to receive any man to the communion table before he be sworn a liege man to the king.

Drunkards [*Alehousekeepers and Brewers*]. — (1 Jac. I.) Also you shall inquire of drunkards, for they ought to be presented and to pay, if they be able, for every time they be drunk 5^{s} to the use of the poor of the parish where the offence is committed; if not able, then after conviction thereof, they ought to sit six hours in the stocks.

Also an alehousekeeper ought to lose 20^{s} for every pot they sell that is not a full quart, and 10^{s} for suffering of any townsman to get drunk in their houses, except he be brought thither by a stranger, and then he may not stay there above one hour. (1 Jac. I.)[48]

on the land or in pits appointed for the same or otherwise in their several ponds. Remedy to sue for the same in leet, by action of debt, bill, plaint, information or otherwise. (*Kitchin.*)

[48] Judge Jenkins has no love for victuallers and alehouse keepers. He says: "In the next place (and indeed he ought to be at the upper end of the board, for he's the ringleader of all wickedness) comes Mr. Alehousekeeper or Mr. Victualler, as he calls himself. This is one that is seldom guilty of one fault alone, yet he's so elevated with the vapours of his ale that he'll bid defiance to the law, and them that prosecute it; and many times the constable or him that is sworn to present his abuses dares not, because, out of the flushes of his easy gains, he lends him money. But the jury at every leet and other inquest is sworn to inquire and present if any one sell beer or ale without license. It will not serve their turns to pretend they are free cooks or free innholders; for the statute excuses none. The punishment for an unlicensed alehouse-keeper is either 20*s.* to the use of the poor of the parish, or, in default of payment thereof, the ale-merchant is to be publicly whipped. . . . . Also if any alehouse-keeper, licensed or unlicensed, shall sell beer or ale in unsealed measures, as cans, stone jugs, black pots, or the like, or shall sell less than a full ale quart of the best ale or beer for a penny, or take above a penny for a full sealed quart, 20*s.* &c. Honest men might well employ themselves to punish these offenders; and, doing it impartially, without respect of persons, may do much good to the commonwealth, preventing these fellows from growing from bad to worse, by putting their ill-gotten gains to

And brewers, by the same law (1 Jac. I.), ought to lose for every barrel of beer or ale 6s 8d which they lay into any man's

usury; maugre their calling of them *promoting knaves*. And I doubt not but I shall have such prayers as the chaplains of their calling use for my pains." And again: "All common haunters of taverns or alehouses, having not visible estates sufficient to live upon, they are here to be inquired of and presented, that they may give an account by what means they live. And under this article, being well and duly examined to the purpose, you will find many thieves and gamesters; from which number *my host himself is seldom to be excluded*." Again in a sort of charge to constables and headboroughs, thus discourseth the Welsh judge: — "But *nolens volens* (yet I hope to see the contrary) Mr. Alehousekeeper will be the best man; yet I hope to see the tide run the contrary way, if men could but once learn wit enough to know that charity begins at home. The alehousekeeper knows it very well; he'll be sure to look how the reckoning goes; and wise men will keep reckoning at home, and not let him keep it for them, knowing that twopence a day is about 50*l.* per annum, and out of twopence the tap-merchant gets a penny. Then judge what he gets by all the flies he catches in his web. Certainly, did people once consider this, the ale-wife would have few companions better than herself, yet now she thinks the best scarce good enough for her, though the causers of it have little thanks for their pains; when she has gotten their money, it's seldom but they have a scoff or jeer into the bargain; because they should not complain of an unkind hostess. And the worst mischief of all is, that men often ensnare themselves to their utter undoing, by the alehousekeeper and his compurgators eves-dropping of their discourse. And certainly none but fools will go to game for what is already their own; nor no Christian endeavour to come by or enjoy, by playing for, what is another's. And because the fort and fountain of gamesters is the alehouse, I made this digression soberly to advise three sorts of men. The one is, in general, all honest people, to wish them (if they be not worse than infidels) to avoid the alehouse; for under that notion I conclude the gaming-house, too, knowing them to be inseparable companions. Therefore I say again, that every alehousekeeper should have at his door the sign of the Beggar; for from that spring the alehousekeeper originally comes when he first enters into his order; and before he leaves he makes all beggars that frequent his company; therefore such a sign might give warning to others to let him alone, and keep his beggarly condition to himself, which might enforce him to work for his living as honest men do; and not grow so fat by the sweat of other men's brows. The second sort of people I would speak to . . . . . the professors and practisers of the law. . . . . I would desire them to honour their profession so far as not so earnestly defend, as they too much do, the destroyers of the public good, that is, the gamesters and alehousekeepers and all breakers of penal statutes. . . . . The third sort I would advise is, such men as take upon [them] the prosecution of all penal laws and statutes against the contemners and breakers thereof, usually called promoters and informers, &c. Be sure, let me advise you, to shoot home where you begin; let no fair tongues ensnare you, promises,

cellar, to be sold there by retail, by any that is not licensed to sell ale or beer.

Waifs, Strays and Felons' Goods. — Also you shall inquire of waifs, strays and felons' goods. Waifs are cattle stolen and *weined* [removed] out of the possession of him that stole them; and strays are cattle strayed out of their haunt; and they ought to be seized upon to the lord's use, and to be *wreathed* and put into an open place, and not in a covert, to the end the owner may have the view of them, and they must be cried at three market towns next adjoining to the place where they are strayed; and if they be not challenged within a year and a day, then they belong to the lord of the soil where they are, by the law; otherwise not. (18 Edw. II.)

All manner of felons' goods may (presently after the felony is known to be committed) be seized upon, but not taken away, but left with the township; for the felon must have his finding [? sustenance] out of it so long as he lives unconvicted or [un]attainted; but when he is convicted or attainted, his goods then properly belong to the lord of the leet, if he have words for it in his charter; otherwise they belong to the king.[49]

nor hopes of reward to entice you to be caught in their nets; when, for the lucre of a small fee (which they all generally seek to ensnare you with) you release them and undo yourselves. But, I say, draw your arrow to the head, and he will fly to the mark; if you prosecute the law to the utmost without favour or affection, you do that the law intends you for, and you shall bring profit and tranquillity to the commonwealth in general, and to yourselves as good members thereof in particular, maugre all opponents. Doubt not but our law makers and keepers, whom God hath now raised to protect us, will defend you in the execution of justice." [Judge Jenkins then enumerates under sixteen heads the offenders and offences to be presented.]

[49] Strays are of any horses, sheep, swine, geese or swans which have come in this lordship, and remained there a year and a day unclaimed, then the lord afterward hath the property in these by prescription; but they ought to be first impounded, and then cried in church and two adjoining markets, and if no one claims them, then they may be seized, &c. (*Kitchin.*) If any horse or mare be put on the waste, and be scabbed [mangy — *Judge Jenkins*] or have any infectious disease, its owner forfeits to the lord of the Frank-pledge 10*s.* (32 Hen. VIII. cap. 13) and this is inquirable. (*Kitchin.*) Judge Jenkins says that estrays should be put into some several land, which is open and public, and not into any covert or wood, where the owner cannot

Treasure Trove. — Also you shall inquire of treasure trove, either upon the ground or within the ground; for if any hath been found within the judgment of this court, it belongs to the lord of this leet or law-day.

Mortmain. — Also you shall inquire if any man hath given any lands in Mortmain; that is, to any religious house, or religious person, or to any corporation, guild, or fraternity, without license; for such gift is void, and the lord may enter by way of escheat.

Pains. — Also you shall inquire if the pains [penalties] laid at the last leet or law-day be performed or not; if not, then you must present them that have made default, and then those pains must be read to the jury.

Presentments. — And to conclude, if there shall any other thing come to your knowledge meet to be presented, and by any omitted to be given in charge, you shall as well inquire thereof and present it, as the rest.

Further Procedure of the Court Leet.

[After the charge has been delivered] then cause the bailiff to make three proclamations, and say thus: — "If any man can inform the steward of this leet, or his inquest, of any petty treason, felony, petty larceny, breach of peace, or of any other matter or thing now given in charge, let them come forth, and they shall be heard." — And if any do come in, then swear them thus, — that the evidence which they shall give shall be the truth and the whole truth and nothing but the truth, so God them help and the contents of this book. Then adjourn the court till after dinner. Then at your return from dinner, call all the tythingmen and take their presentments. And then, that done, take the presentments of the jury, if they be ready with them; or else give them a day to bring in their presentments, and then commonly is the best service done.

find them; for if they be in covert, the property is not changed, though they be there for a year and a day.

Then swear all the officers to their several offices that are then and there to be sworn.[50]

Then adjourn the court until the day given to the jury to bring in their presentments; but if they have no day given them, you may discharge the court by proclamation thus [viz. according as other courts are discharged].

Then at the day when the jury deliver in their presentments, you must first call them by their names, to see if all be there or no, and then ask them if they be agreed on their presentments. If they say they be, then receive their presentments in writing, in

[50] The Earl of Stamford and Warrington is the lord of the manor of Ashton-under-Lyne, and we derive the following particulars from a note in a "Report on the Sanitary Condition" of that town, in 1844, by John Ross Coulthart, Esq. (who twice filled the office of mayor of the manor in 1855 and 1856) and from private communications, for which we are indebted to his courtesy. The officers of the Court Leet with View of Frank-pledge of the manor, include the manorial steward, appointed by the lord, a mayor of the manor [since the incorporation of the borough in September 1847 the town council elect yearly a mayor of the borough], three constables, four assistant constables, from twelve to fourteen jurymen, twelve by-law men, two bailiffs, two pounders, three affeerors, one inspector of weights and measures, two market lookers, three ale-tasters and two bellmen, — all yearly appointed at the Michaelmas Court Leet. There are [in 1844] about 2,030 tenants within the manor, and Lord Stamford yearly derives from it about 30,000*l*. The procedure of the Court Leet is very similar to that described by Wilkinson, and to that of the Manchester Court Leet. Mr. Coulthart states that the prescriptive manorial powers exercised within the manor are not found to be in any respect oppressive; but on the other hand are found to be invaluable adjuncts to the effective working of the various local acts of parliament, in all of which is a proviso reserving unimpaired the privileges of the lord of the manor. The commissioners under the police, gas, market and water acts [since transferred to the corporation] frequently derive much valuable assistance from the presentments of the Court Leet jury; but for whom several of the provisions in those acts would be practically inoperative. This Court Leet, and those for the borough of Altrincham and for the manor and barony of Dunham Massey, are still (1864) in full and satisfactory operation. Since the incorporation of the borough, however, the Ashton Court Leet jury have directed their attention more to the country districts than to the town itself, and there it is still of considerable utility, in enforcing the repair of roads and footpaths, the opening of ditches, &c. The Ashton Court Leet has been held from time immemorial in the ancient Manor Court-house, a curiously formed structure near the old Market-cross, and believed to have been erected in 1636, upon the site of a still more ancient edifice of the same description.

English, under their hands, for the steward's warrant; and the steward must turn them into Latin in this manner, not altering the substance thereof.

[Then follow Latin forms of presentment for the various offences, &c., already enumerated in the steward's charge to the jury; also of presentments of the various manorial officers appointed by the jury; also of various penalties imposed by the jury.]

Then there rests no more to be done at a leet or law-day, but to minister to every officer his particular oath, and first the mayor's oath if there be one here, and that must be thus. [Then follow the form of oath for a mayor, also of his oath for the supremacy, by the statutes of 1st Eliz. and 1st Jac. I.; next the oath of the recorder, that of the town-clerk or steward, of the coroner if there be any, of the receivers or collectors of dues, of the chamberlain and general receiver, and then]

The Oath of a Burgess. — You shall swear that you well and truly shall serve our sovereign lord the king, his heirs and lawful successors, and the inhabitants of this town and borough of [Manchester] as one of the burgesses of this town, and shall minister equal justice to poor and rich, after the best of your cunning, wit and power; and also shall well and truly observe, perform, fulfil and keep all such good orders, rules and compositions as are or shall be made, ordered or established by the common council [or Court Leet] of this town, for the good government thereof, in all things to you appertaining; and you shall not utter or disclose any counsel or secret thing or matter touching the fellowship or corporation of this town, whereby any prejudice, loss, hindrance, or slander shall or may arise, grow or be, to the same corporation; but you shall in all things belonging to the fellowship or corporation of this town, faithfully, honestly, and indifferently [impartially] behave yourself, for the most benefit, worship and honesty of this town, and the inhabitants thereof. So God you help, &c.

The Oath of the Constables.[51] — You and either of you shall

[51] Constable (French *connetable*, Latin *Comes Stabuli*, count of the stable.) There are various kinds of constables. (See note *in voce* in *House and Farm Accounts of the*

swear that you well and truly shall serve the king's majesty and the [lord of this leet] in the office of constableship, and as constables of this town for and during the space of one whole year next ensuing. You shall endeavour yourselves to the uttermost of your powers to see the king's majesty's peace to be kept, and watch and ward observed and kept in this town, as hath been accustomed, and as it ought to be; likewise you shall endeavour yourselves to learn and understand the contents of the statute of Winchester, and divers other laws and statutes of this realm, made for the punishment of rogues, vagabonds and sturdy beggars, haunting and resorting within the precinct of your office, and punish the offenders accordingly. Also you shall punish all such persons as do or shall play at any unlawful games, according to the statute in that case made and provided. You shall also have regard for the maintenance of artillery [archery practice] within your said office, and that you shall do and accomplish to the uttermost of your power, So help you God, &c.

Shuttleworths, p. 530.) Here we need only notice the high constables and the petty constables. A *high* constable may be chosen at a Court Leet by the steward, on presentment of the jury, when custom warrants it. [At the Manchester Court Leet two high constables were elected by the jury]. He has the direction of the petty constables, head-boroughs, and tithing-men, within his jurisdiction. His duty is to keep the peace and apprehend felons, rioters, &c., to make hue and cry after felons, and take care that the watch be duly kept in his vill, and that the statutes for punishing rogues and vagrants be put in execution. He ought to present unlawful games, tippling and drunkenness, bloodshed, affrays, &c. He is to return all victuallers and alehousekeepers that are unlicensed; and all such persons as entertain inmates who are likely to be a charge to the parish. He must present the faults of petty constables, head-boroughs, &c., who neglect to apprehend rogues, vagrants and idle persons, night-walkers, &c. Also all defects of highways and bridges, and the names of those who ought to repair them; scavengers who neglect their duty; all common nuisances in streets and highways; bakers who sell bread under weight; brewers selling beer to unlicensed alehouses; forestallers, regraters, ingrossers, &c. The *petty* constables of old were what our police-officers are now (except that there were no detective officers in those days), and their duties were too numerous to specify. Amongst other duties in Manchester they were to whip wandering rogues, &c., by stripping them from the middle upwards, and causing them to be lashed till their bodies were bloody.

[Then follow the oaths of a serjeant, of a freeman, and of the tythingman or petty constable; which last is in all points as that of the constable, *mutatis mutandis*, saving further that the tythingman must be sworn to be attendant on the constable when he shall execute his office, being thereunto required.]

The Oath of an Ale-Taster [*and Officer for the Assise of Bread and Ale.*][52] — You shall swear that you shall well and truly serve the king's majesty and the lord of this leet in the office of ale-taster or assisor of this liberty, for this year to come; you shall duly and truly see from time to time that the bread brought to be sold be truly weighed, and that the same do contain such weight, according to the prices of wheat, as by the statute in that case is provided; likewise you shall have diligent care, during the time of your being in office, to all the brewers and tiplers within your office, that they and every of them do make good and wholesome ale and beer for man's body, and that the same be not sold before it be assayed by you, and then to be sold according to the prices limited and appointed by the king's justices of the peace; and all faults committed or done by the bakers, brewers or tiplers, or by any of them, you shall make known, and present the same at this court, whereby due punishment may be inflicted upon them for their offences accordingly, and in every other thing you shall well and truly behave yourself in the said office for this year to come. So help you God, &c.

The Oath of Fealty of a Freeholder. — You shall swear by the contents of that book that you will be true and faithful to the lord of this manor, and shall from henceforth bear, do and pay to your said lord and to his heirs, at terms assigned, all such rents, customs and services, as you ought to pay and do for all such lands and tenements as you claim to hold of him. So help, &c.

[Then follow the forms of oath of a youngling [or minor], of a desnier [or deciner], of the hayward [or pinder], &c.]

[52] Ale-taster is an officer appointed in every Court Leet, sworn to look to the goodness of ale and beer, &c., within the precincts of the lordship. (*Kitchin*, 46.) In London there were *ale-conners*, who were officers appointed to taste ale and beer, &c., within the limits of the city. (*Jacob.*)

Oath of the Affeerors. — You and either of you shall swear by the holy contents of that book, that you shall truly and indifferently tax, assess and affeer all such amercements as are presented at this court, wherein you shall spare no man for love, favour, affection or corruption, nor raise or enhance upon any man (of malice) more grievous amercements than shall be thought reasonable, according to the quality of the offence, and the faults committed, and not otherwise. So help, &c.[53]

Then must the steward command all men to stand by, and the affeerors to stand as near him as they can, and he must read unto them every presentment that ought to be affeered, and so they may rate them accordingly, until they have done, and then discharge the court thus: — The bailiff must make an "Oyez," and say after the steward thus: — "If any man have any more to do at this court, let him come in, and he shall be heard; or else every man may depart for this time in God's peace and the king's, and keep your day here according to custom (if it be a customary leet, otherwise it must be upon a new warning.) And so God save the king and the lord of this leet or law-day, and make us all his servants. *Amen.*"

As it is held that a Court Baron is incident to a manor, of

[53] Affeerers (*afferatores*, from the French *affier*, to affirm,) are those that in Courts Leet, upon oath, settle and moderate the fines and amercements imposed on such persons as have committed faults arbitrarily punishable, viz., that they have no express penalty appointed by statute; and they are also appointed for moderating amercements in Courts Baron. The persons nominated to this office affirm upon their oaths what penalty they think in conscience ought to be inflicted on the offenders. This word is used in the statute 25 Edw. III. cap. 7, where it is said that the justices before their rising in every session shall cause the amercements to be *affeered*. And this seems agreeable to Magna Carta, by which it is ordained that persons are to be amerced after the manner of the fault; and the amercements shall be assessed by the oath of honest and lawful men of the vicinage. (9 Hen. III. cap. 14.)

common right, and that within every manor there ought to be a Court Baron; — and as with the Court Leets of the manor of Manchester were also held Courts Baron, and were so styled in the court book, we copy the

Charge, in a Court Baron.

Suitors. — First, you shall inquire whether all such persons as owe suit and service to this court be here to do the same or no, and if any make default you must present their names.

Joint Tenants. — If there be two coparceners, or two joint-tenants, which do owe suit and service to this court for any lands which they hold of the lord of this manor, the one of them ought to be here to do the same suit, and the other ought to be contributor to his charge.

Sub-Tenants. — If any tenant, having twenty acres of land, granteth or letteth the same to twenty several persons, in this case every one of those twenty ought to do such suit and service as hath been accustomed to be done for the same lord.

Deaths of Tenants. — *Heirs.* — Also you shall inquire if any tenant be dead since the last court, or before, and his death as yet not presented; then you shall inquire what land he held of the lord of this manor, and by what tenure or service he held the same, whether by knight's service, socage tenure, or by copy, and what benefit or advantage is fallen to the lord by his death, whether ward, marriage, relief, escheat, or any other profit, and who is his next heir, and of what age he is, and in whose custody he is. For if any tenant which holds by knight's service die, and his heir male [be] under the age of twenty-one years, and not married, then the lord shall have the wardship and marriage of such heir male; but if it be a female and under the age of fourteen years, and not married, then the lord shall have likewise the wardship and marriage of such heir female; and if the heir male be twenty-one years at the death of his ancestor, or the heir female fourteen years, then the lord shall have only a relief, which is, if they held by a whole knight's fee 100^{s}, if by the moiety of a knight's fee 50^{s}, and so as according to the rate of their tenure.

Socage Tenant. — *Relief.* — If any tenant which held by socage tenure be dead, his heir being under the age of fourteen years, the lord ought to have the value of his land for one year for a relief, which is due immediately after the death of the tenant; and the next of kin to the heir, to whom the inheritance cannot descend, ought to have the wardship of such heir.[54]

Copyholder. — *Heriot.* — If any customary tenant or copyholder hold two parcels of land by heriot-service and by several copies, if such tenant die thereof seised, the lord ought to have two heriots.[55]

Heirless Tenants. — *Escheats.* — Also you shall inquire whether any of the lord's tenants be dead without heir, general or special; if there be any such, then the lord ought to have his land by escheat.

Also if any bastard hath purchased any land within this lordship, and is dead without issue of his body lawfully begotten, the lord ought to have his land by escheat.

Lands of the Attainted. — If any freeholder of this manor hath

[54] Relief (*Relevamen*, but in Domesday *Relevatio*, *relevium*) signifies a certain sum of money which the tenant, holding by knight's service, grand-serjeanty, or other tenure (for which homage or legal service is due), and being at full age at the death of his ancestor, paid unto his lord at his entrance. (*Magn. Cart.* cap. 2.—31 *Eliz.* I. stat. 1.) By the laws of William the Conqueror, cap. 22, of Hen. I. cap. 14, and of Canute, cap. 97, the relief of an *earl* was eight war horses, with their bridles and saddles, four loricas [hauberks or leathern tunics], four helmets, four shields, four pikes, four swords, four hunting horses, and a palfrey, with their bridles and saddles. The relief of a *baron* or *thane* was four horses, two with furniture and two without, two swords, four lances, four shields and a helmet, with lorica, and fifty marks in gold (666*l.* 13*s.* 4*d.*) The relief of a *vavasor* was his father's horse, his helmet, shield, lance and sword, which he had at his death. The relief of a *villein* or countryman was his best beast, &c. (*Cowell*, *Black. Com.* ii. 56, 65, 87; iv. 411, 413, 414.) For further account of the Relief see *Mamecestre*, p. 118.

[55] Heriot (*heriotum*, from the Saxon *heregeat*, the lord's beast), was the best beast, whether horse, ox, or cow, that the tenant dies possessed of, due and payable to the lord of the manor, and in some manors the best goods, piece of plate, &c. Heriot is either by service or custom. Heriot-service is payable on the death of a tenant in fee-simple; heriot-custom on the death of a tenant for life. It has generally been a personal service; whereas a relief has always been a predial service. (See *Mamecestre*, p. 118.)

committed felony, and thereof hath been attainted, — that is, either hath confessed the felony, or hath been convict by the verdict of twelve men, — or fled, and thereupon outlawed for the felony, — in this case the king must have "annum, diem et vastum" in his land, and after it ought to come to the lord by escheat.

COPYHOLDERS.

Felons. — If any copyholder hath committed felony, and thereof hath been attainted as is aforesaid, then the lord may enter into his copyhold for a forfeiture.

Unlicensed Lease. — If any copyholder hath leased his copyhold for any longer time than a year and a day, without the lord's license, it is a forfeiture of his copyhold; unless he may do it by the custom.

Denying Service. — If any copyholder deny to pay his rent, or deny to come to his lord's court, or deny to be sworn of the homage, or deny to go with his lord to suppress rebels, — every one of these denials is a forfeiture of his copyhold.

Sale of Parcel. — If any copyholder hath sold any of his copyhold land by deed, and made livery of seisin thereof according to the deed, it is a forfeiture of so much as he hath sold.

Cutting or Lopping Trees. — If any copyholder hath cut down any timber trees within his copyhold without license, or lopped any timber trees there at an unseasonable time of the year, by reason whereof they die, either of both is a forfeiture of his copyhold.

Decayed and Fallen Tenements. — If any copyholder suffer his copyhold tenement to decay and fall down for lack of reparations, it is a forfeiture of his copyhold.

Recusant. — If a copyholder be a recusant, if his lord also be not a recusant, he ought to forfeit his copyhold estate, according to the statute law made 35 Eliz. (1593).

Surrender of Copyhold. — If any copyholder have surrendered his copyhold tenement into the hands of two of his tenants since the last court to the use of any person, every such surrender ought to be presented at this court, or else the tenants which took such

surrender ought to forfeit their copyholds; because it may be thought if they do not present it that they go about, not only to defeat the lord of his fine, but also to disinherit the party to whose use the same surrender was taken.

Impairing a Copyhold. — If any copyholder, having two copyholds, hath impaired the one to amend the other, this is a forfeiture of the copyhold that is impaired.

Villeins and Bondmen. — If any villein or bondman of blood hath purchased any land within his lordship, the lord may seize both it and such villein's goods at his pleasure.

Mortmain. — You shall inquire whether any tenant of this manor hath given any of his lands in mortmain, that is to say, to any religious house, religious person, and their successors, or to any guild, fraternity or corporation, and their successors, without the king's license and the lord's of this manor; for it is here inquirable and presentable, to the end that the lord, if there be any such grant made, may make his claim within the year and the day, according to the statute in that case, &c.

Buyers not doing Suit. — If any tenant hath sold his land by deed and hath not given notice thereof to the lord, nor he which bought it hath not done his fealty to the lord, or suit of court, so that by reason thereof the lord doth not know who is his tenant, therefore you ought to present it; for it is very needful and necessary that the lord should know who is his tenant, by reason of his services, and escheats which may grow due unto him.

House of Husbandry in Decay. — If any tenant within this lordship hath suffered any house of husbandry to decay, by taking of the land from it to lay to another, in this case the lord ought to have the moiety of the profits thereof to his own use, until it be made and maintained a husbandry again; and this you ought to inquire of for the lord's benefit.

Inclosing open Land. — If any tenant hath inclosed any land which hath been accustomed to be open, without the lord's license and the freeholder's, you must present it, for he cannot justify the doing thereof.

Lands withheld, or held without License. — You shall inquire whether any of the lord's lands within this manor be withholden from him, and held and occupied without his license; if there be any such thing, then you must inquire by whom it is withholden, and what land it is, and what it is worth by the year, and how long it hath been withholden, that the lord may recover his damage for the withholding thereof accordingly.

Rent, Custom, Service, Unpaid. — You shall inquire whether there be any rent, custom or service behind and unpaid to the lord of this manor; by whom it is due; and what rent, custom or service it is; how long it hath been withholden, and where the land lieth; that the lord may distrain for the arrearages thereof.

Rescouse [*Rescue*]. — You shall inquire if any bailiff or other officer of this manor, hath made any arrest for any rent, custom or service, due to the lord of this manor, and rescouse therein hath been made; you ought then to present him or them which made the rescouse, and where and when it was done.

Pound-Breach. — If any distress hath been taken and put into the lord's pound, and hath been taken out from thence without leave or authority of the law, then such taking is a pound-breach, and here inquirable and presentable.

Common, and Cattle not Commonable. — If any tenant doth surcharge the common, by putting more cattle there, than by the custom he ought to have go there, or by putting of cattle there not commonable, as pigs, goats and geese, and such like, you must present them.

Chasing and Rechasing. — If any tenant of this manor having two farms, one in this manor and the other in another manor, doth use in the summer time or open time of the year, when corn and hay is housed, to bring cattle from his other farm into his farms within this manor, which have been usually kept at his other farm out of this manor, this is called "Chasing and rechasing," and here inquirable and punishable unless these cattle be kept within his own several grounds, and not in the common fields.

Removing Boundary Marks. — If any man hath removed any

bounds or marks, *meare* stones or stakes, between this lordship and any other, or between tenant and tenant, you must present their names, for it is an evil office, and they deserve to be punished for it.

Fishing, Hawking, Hunting, without License. — If any man hath fished, hawked or hunted within this lordship without the leave or license of the lord of this manor, you must present them, for they are the lord's *realties* [royalties], and therefore no man can lawfully come here to do either one or the other without his leave.

Grinding at the Lord's Mill. — If any tenant by reason of his tenure, ought to grind at the lord's mill, if he do it not, you must present him.

Detaining Evidences. — If you know any man that keepeth, detaineth, or withholdeth any of the lord's evidences of this manor, as court rolls, rentals, or immuniments appurtenant and belonging to the lord of this manor, you must present them, for it is fit that the lord should have the custody of his evidence himself.

Defaults in Obeying the Court. — If there was anything pained to be done [*i.e.* under a penalty] and as yet is not done, you must inquire who have made default therein, and present his, her or their names; and you shall likewise inquire of all other things which you shall think needful to inquire of, by me omitted and not given you in charge, and so bring in your presentment in writing by one o'clock in the afternoon.

[The court seems to have adjourned for an hour for dinner, at twelve noon.]

Then follow various forms, as the oath of fealty to be ministered to a customary tenant, that of the reeve or bailiff of a manor; forms of presentments by the jury, in English, put into Latin by the steward; and forms for grants, transfers and surrenders of lands, &c.

In the same little volume is given "The Manor and Form how

to keep a Hundred Court, or Court Baron, commonly called a 'Three Weeks' Court' and a Court of Ancient Demesne." There is, however, little in its procedure, bearing on the subject of the present volume.

The reader will now be better enabled to understand the character and procedure of the "Manchester Court Leet, with View of Frank-pledge and Court Baron," of the Manor of Manchester, in the sixteenth and seventeenth centuries, as exhibited in the following pages.

MANCHESTER AND SALFORD,

ABOUT A.D. 1650.

(Taken from a Plan in the possession of William Yates, Esq., by John Palmer, Architect, 1822.)

REFERENCES TO THE PLAN.

(See Frontispiece.)

A. The Booths, Court and Sessions House (afterwards the Long Room).
B. The Meal House, in the Market Stead.
C. The College (afterwards Chetham's Hospital).
D. The Free Grammar School.
E. Mill Hill (afterwards Gibraltar).
F. The Fountain, in or near Fountain-street.
1. The Higher School Mill (still a Corn Mill).
2. The Middle School Mill (the School Malt Mill).
3. The Lower School Mill (has been a fulling or walke mill, also a manufactory of snuff and of pins.)

DESCRIPTION.

About the year 1650, according to this plan, the town of Manchester, consisted of about fifteen streets (in 1644 it is said to have had ten), viz. the two Market Steads or Places, Market Stead Lane, St. Mary's-gate, Old Millgate or Mealgate, Long Millgate, Milner's or Miller's Lane, Deansgate, Smithy Door, Smithy Bank, Cateaton-street, Hanging Ditch and Toad Lane, Withy Grove (the old Withing Greave), Shudehill, Fennel-street, and Hunt's Bank. The town was chiefly confined within a little circle round the old Collegiate and Parish Church, having three long streets extending into the surrounding fields,—Long Millgate, in a northerly direction; Deansgate, southward; and Market Stead Lane, stretching eastward. The whole of the ground between

the two market places and Smithy Door was occupied by a building (A) of irregular shape, having an internal court-yard, and an entrance by a gate from the Market Place; and this building upon the site of the old Booths, where the Courts Leet and Baron were held for centuries, was in 1650 called the Sessions House or Court House. It afterwards took the name of the Long Room, and was used as an auction room for some years. The Irwell had then only one bridge across it (and this was the only communication between Manchester and Salford) called Salford Bridge, or the Old Bridge, at the foot of Cateaton-street and Smithy Bank. The Irk had four small bridges over it, one at Hunt's Bank, to Strangeways; a second at the end of Toad Lane (Mill Brow); a third at the end of Milner's Lane (now Miller-street), and named in the plan Tanner's Bridge, occupying the site of the present Ducie Bridge; and the fourth on the site of the present Scotland Bridge, leading from Long Millgate to Red Bank. Between Market Stead Lane and Deansgate (neither of them so long as at present) were five or six fields; one of which, marked the Acres Field, shows that the old church of St. Mary's had disappeared, and that only two buildings flank the field. This was the site of the Acres Fair, and it is now covered by St. Ann's Church and Square and adjoining streets. In the large field east of it is the house called Radcliffe Hall, with its surrounding moat, somewhere about the site of the Cross-street Chapel, formerly Pool Fold; where was the ducking-pool for scolds, &c., before it was removed to the Daub Holes, or Infirmary Pond. In the field still further east stood the Fountain (F), which supplied the conduit with water, and gave its name to Fountain-street. Near the south-east corner of the plan is Mr. Lever's house, which gave its name to a street in prolongation of Market-street, called Lever's Row, afterwards Piccadilly. Mr. Lever's house stood on part of the site of the present White Bear Inn, a little back from the line of the present street. Between Market Stead Lane and Withy Grove were two fields, in one of which, near the angle formed by the former street and the Market Place, stood the old Cock Pit, approached by a covered way from the Market Place, and on the site of a part of Cock Pit Hill. In Shudehill there seem to have been on the north side two blocks, each of three dwellings or burgages, and on the south side, near the present Sugar Lane and Broom-street, a single house. The Shudehill and its lane ex-

tended from Withy Grove to the Milner's Lane, and within the space enclosed between these streets, Long Millgate and Toad Lane, were three large fields. On the south-west side of the Milner's Lane were five dwellings or burgages, and in that part of Long Millgate between Milner's Lane and Ashley Lane three others. Only one is represented in Ashley Lane; whilst those along the other streets are not always distinct. It is observable, however, that dotted lines behind the ranges of houses seem to denote the back yards or "back sides" as they were called in the old Court Leet records, and if these may be taken to be boundaries between burgage and burgage, there would seem to have been in 1650 ten or eleven burgages on the north-east side of Market Stead Lane, and about the same number on the south-west side of that street. On the south-east side of Deansgate ten, on the north-west side ten burgages. The only house in the fields north of the river Irk (now Strangeways) was one marked in the plan as "Knowles house" (not Mr. Knowles's, but the "Knolls house"), as the Walker's Croft on the north of the Irk is stated to be near "the Knowles." Between the Aldport end of Deansgate and the river were six gardens styled "The New Gardens," which appear to have been large, and to have extended along that part of Deansgate from Bridge-street to Hardman-street, the north corner of one garden coming nearly to the bank of the Irwell.

In Salford (which is said to have consisted of only three streets in 1644) Serjeant-street (now Chapel-street) extended from the Old Bridge as far as the lower end of Trinity Chapel. "Back Salford" (now Greengate) was built up on both sides as far as Gravel Lane. The small building and the cross in the wider part of Back Salford, depict the old Salford Hundred Court House and Cross. The Gravel Lane was then a road or path from Back Salford to the Trinity Chapel, and had only five or six houses in it, being bounded on one side by a bank and on the other by a hedgerow. Between Serjeant-street and the river are delineated one garden and one orchard, about half way between the Old Bridge and the present Blackfriars-street. Besides the plan described, there is another of the same date, and probably taken from the same original, engraved in the corner of Charles Laurent's map of Manchester and Salford, of December 1793.

THE COURT LEET BOOK

OF THE

MANOR OF MANCHESTER.

VOLUME I.

The Court Boke made in the iiij^th daye of Octr in the Sexte yere of Kynge Edwarde the Sexte (1552).[56]

JURORS:[57]

Richardus Shalcros.	Edwardus Jannye.
Richardus Hunt.	Franciscus Pendilton.
William Radclyff.	Johannes Gee.
Robertus Marler.	Ricdus Pedley.
Johannes Platte.	Georgius Proudluff.
Robertus Becke.	Thomas Gyll.
Thomas Jacson.	Ricdus Blomeley.
Ricus Owen.	Ricdus Brownsworth.
Robertus Oldom.	Willmus Ravalde.

[56] The first steward named in these old records was Edward third Earl of Derby, whose name appears from 1556 (perhaps earlier in the missing volume) till shortly before his decease. In Seacombe's *House of Stanley* (p. 129) it is stated that, being aged, weak and infirm, he retired to his seat at Lathom, and there gave up his life, &c. From April 1568 to October 1572 his lordship seems to have been unable to preside in person; and John Gregory held the court as "sub-seneschal" or deputy-steward, the earl being emphatically named in the style of the court as "capitallus Seneschallus" or chief steward. Still the aged nobleman manifested much interest in the government of the town of Manchester, as is shown by his letter to the affeerors of

Officers. *Prepositus burgi*[58] [Boroughreeve] Robertus Becke. *Constabular:* [Constables] Franciscus Pendilton, Richardus Shalcros.[59]

the Court Leet, dated 19th July 1572, barely three months before his death, which occurred on the 24th October in that year. His lordship was succeeded in the leet stewardship by Ranulph or Randle Hurlestone, at first styled esquire but afterwards gentleman. He first presided at the Easter leet in March 1563, and seems to have been succeeded at the Michaelmas court, October 1582, by Richard Swinglehurst, Esq. and "gentleman;" whose successor in October 1701 was Thomas Heaton, gentleman; but he did not long hold the office, for in April 1603 Charles Leigh, senior, steward, held the court. In October 1604 it was presided over by Roger Downes, Esq., steward; in April 1605 and April 1606, by Charles Leigh, senior, steward; in October 1606, by Alexander Rigby, gentleman, steward, till April 1613, when he was succeeded by "Oswald Mosley, gentleman"—afterwards "de le Ancoats Esq."—steward. In October 1619 it was first held before William Sparcke of Manchester, gentleman, steward, and till April 1630, when it was again held before Oswald Mosley; but he was succeeded in October 1630 by Ralph Worthington, Esq., steward, who held the office till April 1638, when Robert Twyford, gentleman, steward, presided; in October 1638, Ralph Worthington sat again; but in May 1631 and till May 1641, Robert Twyford, gentleman, presided as steward. From May 1641 to October 1647, during the great civil war, there are no records, and probably no courts were held. In October 1647, when the records are resumed, the steward is John Lightbowne, Esq., and so he continues to the Michaelmas leet 1648; but at the Easter leet 1650 (there being no record of any court in the interval) the steward is Edward Mosley, Esq. At the Easter court 1651 he was succeeded by William Heawood, gentleman, who gave place at Easter 1666 to William Radclyffe, Esq. There are no records from this court to that of Michaelmas 1669, when Oswald Mosley, Esq., was the steward. He was succeeded in October 1681 by James Lightbowne, Esq., who was followed in October 1683 by Joseph Yates, Esq., who was succeeded in October 1686 by John Assheton, Esq., with which court vol. iii. closes. Occasionally a Court Leet was held before the sub-seneschal or deputy-steward, as in April 1568, and (except in October 1576, when Laurence Trafford was deputy-steward) so till March 1570, before John Gregory; in April 1593, before William Stannywaughe; in October 1610, before Charles Leigh, sub-steward, probably the same who had previously held the office of clerk of the court.

[57] (*Page* 65). The lord of the manor at this time was Sir Thomas West, ninth Lord de la Warre, who died in 1554. Who next held the manor is not clear; for the next heir, William West, having attempted to poison his half-uncle, the last baron, was by act of parliament in 1548 disabled from succeeding him in honours and estate. He was, however, created Baron de la Warre by patent 1579, and restored in blood. He died in December 1595, and was succeeded by Sir Thomas West, his son and heir, who (with his son William) was the last of his family connected with the manor of Manchester: for he sold it in May 1579 for 3,000*l.* to John Lacye, citizen and cloth-

[Then follow the inferior manorial officers elected yearly at the Michaelmas Court Leet, viz. market lookers for corn, ditto for fish and flesh, "Preysers" (appraisers),[60] market lookers for "white meytte" [lamb, veal, pork, &c., being white meats] "ale-founders"

worker of London, who does not seem to have obtained possession till August 1581, and in the Court Leet book Sir William West is styled lord of the manor till the Easter court of 1582. Lacye did not hold it long, having sold it on the 23rd March 1596 to Nicholas Mosley, Esq., then alderman and afterwards lord mayor of London and knight; in whose descendants it remained till its sale to the corporation May 5, 1846. The order of succession of the Mosleys was as follows:—2. Rowland of Hough End Esq. succeeded his father Nicholas on 12th November 1612; 3. Sir Edward, first baronet, in 1616; 4. Sir Edward, second baronet, in 1657; 5. Sir Edward, knight, nominally in 1665, but not really till 1672; 6. Anne Lady Bland, his sole daughter and heiress, in 1693; 7. Sir Oswald, baronet, her second cousin, on 3rd August 1734; 8. his son Sir Oswald, baronet, 10th June 1751; 9. his brother the Rev. Sir John, baronet, 26th February 1757; 10. his second cousin Sir John Parker Mosley in May 1779, afterwards baronet; 11. his grandson the present Sir Oswald Mosley, baronet, D.C.L., who sold the manor for 200,000*l.* to the corporation of Manchester, May 5, 1846.

[58] (*Page* 66.) *Præpositus Villæ* is sometimes used for the head or chief officer of the king in a town, manor or village, or a reeve. This *præpositus villæ* in our old records does not answer to our present constable or head-borough of a town; but was no more than the *reeve* or bailiff of the lord of the manor, sometimes called *serviens villæ* (serjeant of the town). By the laws of Hen. I. the lord answered for the town where he was resident; where he was not, his dapifer or seneschal, if he were a baron; but if neither of them could be present, then *præpositus et quatuor de unaquaque* villa, the reeve and four of the most substantial inhabitants, were summoned. (*Jacob.*) — It has long been an established rule in the choice of the borough-reeve to select those gentlemen who have already served the office of constables; and in no corporation is the mayor for the time being treated with more respect (the paraphernalia of a mace-bearer excepted) than the boroughreeve of Manchester. He does not appear to have many duties to discharge since the actual superintendence of the police is performed, under the direction of the two constables, by their deputy, &c. The chief duty of the boroughreeve is to preside at all public meetings which are convened by himself and the constable, at the requisition of respectable inhabitants, who notify the nature of the business intended to be brought forward. He is also the distributor of certain charities, which are denominated "the Boroughreeve's Charities." (Aston's *Manchester Guide*, 1804.)

[59] (*Page* 66). See note 51, page 51, in Prefatory Chapter.

[60] Appraisers of goods are to be sworn to make due appraisement; and, if they value the goods too high, they shall be obliged to take them at the price appraised. (*Stat. of* 11 *Edw. I.* 1283, *and Stat. of Acton Burnel*, 13 *Edw. I.* 1285.)

(*i.e.* ale-tryers, to *founde* being used by Chaucer in the sense of to try], "Byrlamen"[61] for the Market Stede Lane and for the Deynsgate; for "the Mylnegate, Wything Greve, Henging Dyche, Fenel-strete and so to Plot Entry." "Skevengers" for the Market Stede Lane, the Deyngate, Saynte Marie Gate, the old Market-stede, the Smethye Dore, the Henginge Dyche and Meyle [meal] Gate, for the Feynell-strete, for the Mylne Gate and Hunt's Bancke.[62] There are also five "Afferatores" or affeerors of the court.]

Encroachment. The jure dothe presente that Laurence Langley hathe incroached upon the kynge heyhe weye [king's highway] with buyldyne of a howse. The jure doth order that the said Laurence Langley shalle not hereafter dyche, pale, or heydge any further there, onelyse [unless] he have lycense of the xij men, or ellis at his jouperdye.

[Hereafter the spelling is modernised throughout, except in peculiar cases and in all proper names, both of persons and places.]

Stopping a watercourse. The jury order that Thomas Jonson shall make a pale or wall of stone for a defence, that his dunghill shall not stop the course of water in the ditch[63] between the said Thomas and Richard Hunte and Francis Pendilton; the pale or wall to be v foot high, and the same to be done before the feast of Philip and James next [May 1] sub pena, 6s 8d.

[61] *Burh* or borough, *lagh* or law, men; later termed "bye-law men.". Spelman says, "Byre-law men" is from the Anglo-Saxon Byne, Manerium. In Whitaker's *Whalley* (3rd ed. p. 379) is given under eleven heads, "the Byre-law of Extwissell, confirmed by John Towneley of Towneley Esq., John Parker and others, May 1561." The third law is that if any inhabitant shall *stawve* any thorns in Swine-dene, he is to forfeit 2*s*.. To stawve is to stub or grub up, from *stof* Anglo-Saxon, *stipes*. Again, the adoption of the form bye-law may be from the Danish and Icelandic, *by*, *bye*, a town; q. d. town-law men, officers to execute the local law of the town or borough.

[62] Most of these streets still exist under the same names modernised; and the stranger to Manchester will find the relative positions of most of them indicated in the plan of the town about the year 1650, the frontispiece to the present volume.

[63] A water-course does not begin by prescription, nor yet by assent, but begins *ex jure naturæ*, having taken this course naturally, and cannot be diverted. (*Per Whittlock J.* 3 *Bulstr.* 340, in case of *Surrey* v. *Piggot*.)

Various presentments follow, and the orders thereupon, which may be indicated generally by the requirement that the owner of each place complained of as a nuisance,[64] is "to keep a barrel under his privy." One man is directed to "make the gutter sufficient" before his house under a penalty of 2^{s}; another to cleanse his ditch, sub pena 20^{d}; and a third to cleanse his ditch anent his fold end, in the Cowe Lane end, afore the feast of All Saints Nuisances.

[64] Nuisance (*nocumentum*, from the French *nuire*, i.e. *nocere*) particularly so called, is where one makes any encroachment on the king's lands, or the highways, common rivers, &c. (2 *Inst.* 272.) If a man doth any thing upon his own ground, to the particular damage of his neighbour, &c., it is accounted a nuisance. (F. N. B. 183.) Nuisances are public and common, or private. A common nuisance is defined to be an offence against the public, either by doing a thing which tends to the annoying of all the king's subjects, and is common against all; or by neglecting to do any thing which the common good requires. (2 *Roll. Abr.* 83.) Annoyances in highways, is where a gate, hedge, &c., or ditches are made therein; of bridges and public rivers, disorderly alehouses, bawdy houses, gaming houses, stages for rope-dancers, mountebanks, &c.; brew-houses erected in places not convenient; cottages with inmates; common scolds, eves-droppers, &c., are generally *common* nuisances. (2 *Inst.*. 406.) If a man stops up the light of another's house; or builds so near to and hanging over mine, that the rain which falleth from his house falls upon mine; the turning and diverting water running to a man's house, mill, meadow, &c., or stopping-up a way leading from houses to lands; suffering the next house to decay to the damage of my house; and setting up or making a house or office, lime-pit, dye-house, tan-house, or butcher's shop, &c., and using them so near my house that the smell annoys me, or is infectious; or if they hurt my lands or trees, or the corruption of lime-pits spoils my water, or destroys fish in a river, &c.; —these are in general *private* nuisances. (3 *Inst.* 231, &c.) By a statute of 12 Rich. II. (1388) cap. 13, is prescribed "the punishment of them which cause corruption near a city or great town, to corrupt the air." It recites: For that so much dung and filth of the garbage and entrails, as well of beasts killed as other corruptions, be cast and put in ditches, rivers and other waters, and also within sundry other places within, about and nigh divers cities, boroughs and towns, &c., and the suburbs of them, that the air there is greatly corrupt and infect, and many maladies and other intolerable diseases do daily happen, as well to the inhabitants and those conversant in the said cities, &c., as to others repairing and travelling thither, to the great annoyance, damage and peril of the inhabitants, &c. — Proclamation is to be made in all cities, &c., that all they which do cast and lay such annoyances, dung, garbages, entrails and other ordure in ditches, &c., shall cause them to be removed and carried away between this and the feast of St. Michael next, on pain of forfeiture to the king of 20*l.* Any future offender to be punished after the discretion of the chancellor.

[Nov. 1.], 3d. Laurence Langley is "to dyke his ditch anent his fold end in Newton Lane, 20d." [65]

Geese and ducks.

The jury doth order that no persons hereafter shall suffer their geese or ducks to be put in the Market *Stede* [stead, or place] upon pain of every one so offending, for every goose or duck 1d.

Cleansing the street.

Thomas Cropper, being presented, is to cause his tenants or to get himself to make clean the street end of the St. Mary Gate, from week to week, 6d.

Diverting a watercourse.

The jury order that the course of water that cometh betwixt the house of Richard Owen and the barn, must go the same way as it hath been ordered before, that is, by the end of the barn, and the same to be done afore the feast of St. Andrew next [Nov. 30], 20d.

[The above is the first, and may be taken as the ordinary type, of a great number of similar presentments and orders respecting water courses, at successive Courts Leet, as many as six sometimes at the same court.]

[Here is a hiatus in the book, and the next entries relate to some Michaelmas Court Leet, apparently to that in October 1553, for the lists of manorial officers are given. If so, it would be in the first year of Queen Mary's reign.]

? Court held October — 1553, *1st Mary.* [*Jury, Boroughreeve and Constables omitted.*][66]

Party wall.

The jury order that James Oldom shall build his house at the end of the church, without the wall, and join his house to the house of Ralph Byrom, and the said James Oldom shall on penalty

[65] Hereafter the words preceding every penal sum, as "*sub pœna*" or "under pain of," &c., will be omitted, as sufficiently indicated by the context.

[66] For greater economy of space all the names of jurors are omitted in the text, and a list of their surnames during fifty-five years is given in the Appendix. For the same reason, and also for greater convenience of reference, all the names of boroughreeves and constables are omitted in the text, and are given in the Appendix, in a list extending from 1552 to 1846, when these officers ceased to be appointed.

uphold a *wongh*[67] or wall betwixt the houses, and defend the house of the said Ralph, as well above as beneath, &c.

The jury doth say that Edward Janney is departed since the last court, and his heir is not yet known.[68] Death and heir. Janney.

The jury order that Thomas Hyde shall not make a dunghill in Cowe Lanè, but he is to take away that that is there laid, afore the feast of Easter next, sub pena 20s. [At the end of this entry is written, in darker ink, the word "misericordia," meaning that he is "in the mercy" of the lord, or in other words that he may be or is amerced, or fined in any amount, at the will of the lord or of his steward.] A dunghill.

The jury order that Edmund Prestwyche Esq. is to take down a *yate* betwixt the town of Manchester and the [water] of Medlock, near unto Holms mill, afore the feast of St. Martin in winter (Nov. 11) 3s 4d. Holm's mill.

The jury find that Amerye, the late wife [*i.e.* late the wife, the widow] of Henry Johnson, came into the court and acknowledged to hold of the lord, and did her fealty.[69] A widow's fealty. Johnson.

[67] In Anglo-Saxon *Wong* is a field or meadow, and also a cheek. Its precise meaning in the text is not clear.

[68] This is the first of a very large class of entries which strictly belong to the Court Baron rather than to the leet. The jury find upon information given that some tenant of the lord is dead since the last Court Leet, and then they state what they know about his heir, usually that such a one is his eldest son and heir, and is of full age (*i.e.* twenty-one years), and therefore ought to come into court, swear fealty to the lord of the manor, do his suit and service to the court, and pay any relief, heriot, or arrear of rent due, and then to be formally admitted to the lands, &c., lately held by his deceased father, as a tenant of the lord; and within the town of Manchester the tenant of a burgage is styled a burgess. If the heir be a minor, then the jury simply state that he is "under age," and the requirement to come into court, &c., is postponed until he shall become "of full age," and it is then set forth as a substantive order of the court. These entries furnish the oldest existing register of deaths, and of next heirs, for the manor and town of Manchester, and they have been collected and placed in a tabular form in the Appendix for convenience of reference. The parochial register of baptisms and burials does not commence till August 1573, more than *twenty years* after the earliest of these Court Leet records.

[69] Fealty is the same that *fidelitas* is in Latin. When a freeholder doth fealty to his lord he shall hold his right hand upon a book, and shall say thus: — "Know ye

Hart. The jury find that John Hart is the son and heir of Humfrey Hart, departed, and came into the court and did his fealty and paid his relief and heriot[70] according to the custom.

Court held 29th March in the 1st year of the reign of our Sovereign Lady Queen Mary (1554).

A relief. Proudlove. The jury present Robert Proudlove and George Proudlove, burgesses [as holders] of twenty acres and the third part of an acre; and order that they must pay for relief of every acre 12d, by deed, in fee, bearing date 24th October "anno regni Reginæ Marie primo" (*i.e.* 24th October 1553).

Right of way. The jury order that George Proudlove shall have a way through the lower end of a close of Thomas Haslam, through a ditch of the said George, into a close of the said George; paying therefor yearly to the said Thomas a dozen of pennies; or one peny [? shilling] yearly during their two lives, at the Birth of our Lord [Christmas] and this our order shall not be prejudicial to either of their inheritance.[71]

Byrom. The jury doth present George Byrom, son of Adam Byrom, burgess, for a parcel of a certain tenement and a garden, of the lands of Adam Holland; his deed in fee bearing date 7th March 1st Queen Mary (1554).

this, my lord, that I shall be faithful and true unto you, and faith to you shall bear for the lands which I claim to hold of you, and that I shall lawfully do to you the customs and services which I ought to do, at the terms assigned, so help me God and his saints." And he shall kiss the book. But he shall not kneel when he maketh his fealty, nor shall make such humble reverence as in homage. And there is great diversity between the doing of fealty and of homage; for homage cannot be done to any but the lord himself; but the steward of the lord's court, or his bailiff, may take fealty for the lord. Tenant for term of life shall do fealty and not homage. (Littleton's *Tenures*.)

[70] See notes 54 and 55, Prefatory Chapter, p. 56 *ante*.

[71] Annexed to this order are the words "*Factum est*," *i.e.* it is done. This and the opposite "*Non factum est*" may be seen in the margin of the book, opposite many entries of successive Courts Leet for years, indeed for centuries.

The jury order that James Chetam shall make clean all such places in the church yard and anendst [literally "on end to," over against, opposite and near to] Constans door, and the way betwixt his house and Hollingworth's shop, 6s. "Misericordia."

Getting clay in Market-street.

The jury order that none of the inhabitants of the town of Manchester, nor foreigners [*i.e.* non-residents] shall break no *yearthe* [earth] in the Market Stede Lane, to make no "*dobe*"[72] nor for no other use, 3s 4d.

The jury order that none of the inhabitants of the town of Manchester, nor foreigners, shall break no earth betwixt the house of one William Platt and the stone bridge . . . . . lying on this side Barlowe Croft, within a rod of the causeway of neither side, 3s 4d.

The jury order that James Chetam shall make the highway at the Sudehill (same as he hath made) sufficient for carts to come and go, 3s 4d. — Misericordia.

[72] *Daub* is generally clay, but more specifically clay mixed and tempered for purposes of building. It is perhaps derived from the British *dwb*, mortar, as it was usually pronounced *dobe*. To *daub*, in one of its general significations, is to plaster, or cover with slime, mud, or other soft substance. The old mode of building ordinary houses and cottages in Lancashire was by constructing a timber frame-work, and filling this up with what was called "raddle and daub," or "wattle and daub." In such buildings, the horizontal beams were grooved to admit the wicker, wattle, or raddling-work of splints, or rods of wood &c., with pliant rods or twigs interwoven, as in basket-work. The walls were then made solid and air-tight, by being plastered over, inside and out, with *daub*, or tempered clay, mixed with gravel, and cut or chopped hay, straw, or rushes, as convenient; these being used as are bristles or horse hair in mortar, to bind the daub together. Raddlings were chiefly of ash, hazel and willow. Whitaker in his *History of Manchester* (vol. i. p. 213) speaks of the common marl-pits of Manchester for ages, as being "those large cavities upon Shudehill and Market-street Lane which are now called, and have been for centuries denominated, the 'Daub Holes,' or the quarries of marle." This is the only instance we can find of any writer making daub identical with marl; and the universal evidence of old buildings and of old people, both *daubers* and *marlers*, two quite distinct avocations, is utterly opposed to his interpretation. — Repeated prohibitions by the Court Leet to get *daub* near the footway or causeway at the upper end of "Market Stid Lane" will be found in this volume, some pointing to the use of the *daub* for building purposes; whereas marl was never used as mortar, but only as a sort of manure or fertilizer of soils; its old British name *marg* or *margl*, *i.e.* marrow, denoting its fatty nature.

The jury order that Mr. Raphe Trafford shall cause the encroachment *anent* [over against or opposite] the house Robert Hudson dwelleth in, to be taken up, 2s.

Court held 11th December (1554), in the 1st & 2nd year of the reign of Philip and Mary, King and Queen of England, France, Naples, Jerusalem and Ireland; Princes of Spain and Sicily; Archdukes of Austria; Dukes of Milan, Burgundy and Brabant; Counts of Haspurg, Flanders and the Tyrol.

[Two manorial officers are appointed "for making clean of the market-place."]

Swine. The jury order that the inhabitants of the town of Manchester that doth keep swyne, shall pay unto an officer that shall be paid to keep them upon a common called *Colyers* [Collyhurst], for every [swine] quarterly 1d; or so to keep them within upon their back side, that they do not go abroad in town or market, nor in church yard, after the Purification of our Lady, [Feb 2], 5s.[73]

[73] The nuisances caused by swine being allowed to roam about the streets and market places, nay even in the church-yard, formed constant subjects of complaint and presentment, and consequent fine or amercement, in the Court Leet for centuries. For a long period many (perhaps most) of the inhabitants of Manchester kept swine in cotes on the land behind the house, usually called "the back side"; and the large number of these animals seems to have been the result of the privilege enjoyed by the burgesses of pannage, or feeding in the lord's woods, on payment of a small fee. But the swine, being turned out to pick up garbage in the market and streets, became a great and daily nuisance to the town; and amongst the numerous orders of the Leet jury relating thereto, are fines and amercements increased in amount, nay even doubled, without proving effectual to repress the nuisance. The inhabitants had common of pasture, or as Fitzherbert defines it "only bite of mouth," on the lord's waste of Collyhurst, then an unenclosed common; and the jury appointed a swineherd to collect the swine from their owners in a morning, drive the whole herd to Collyhurst common for daily swine-pasture, and to bring them home in the evening, for which his remuneration was to be a penny quarterly, or fourpence a year for every swine.

Cattle. Hanging-bridge.

The jury order that Richard Owen and Nicholas Bexwicke shall be officers to see that no horse, mare, cow nor ox, shall go over the Hanging Bridge, through the church yard, and also that [five others named] shall be officers for the same.[74]

The jury order that [three men named] shall be officers to see that no man get any earth or make any *daube* [clay] in Market Stede Lane, nor within a rod of the causeway, and also to take the earth straight afore them, and make no hole, 2s.

Middens. Swine cotes.

The jury order that all the middens betwixt the conduits and the ..... in Market Stede Lane lying in the street, and in all the streets in the town where any middens be, and also all swine-cotes [pig-styes] lying to the high street, to be taken away afore the 1st June next, and no more to be laid there, and no more cotes to be set up thereafter, 5s.

Court held 25th May, 1 & 2 Philip and Mary (1555).

The jury present that Raphe Trafford Esq. not having removed the encroachment, &c. according to the order of a former court,

Other orders of the jury enforce the ringing of swine, &c., but there seems to have been no statute law directly bearing upon swine in towns, and it could only be dealt with as a common and public nuisance. The common waste of Collyhurst originally comprised about eighty acres; but in 1618 there remained only about fifty acres unenclosed, the Mosleys having appropriated, improved, or enclosed about thirty acres, without consent of the pasturers. In that year, as will be seen by the Court Leet entries of that date, an agreement was made between Sir Rowland Mosley as lord and the burgesses and inhabitants, ratified by a decree of the Duchy Court, by which the lord of the manor obtained the power of enclosing the whole, save six acres nearest the town reserved for plague cabins and burials, on paying 10*l.* yearly towards the relief of the poor of Manchester for ever.

[74] No stoned-horse of the age of two years, unless he be 14 hands high, shall be put to pasture in any common, forest or chase, on pain of forfeiting the said horse. The said lands ought to be yearly driven at Michaelmas by the lord's tythemen, constables, &c., or within fifteen days after, on pain of 40s. And if upon such driving there be found any mare or foal or gelding, not able to bear foals, nor to do profitable

the jury now further order him to remove the same. [In the margin:] For want of warning, the jury give a near day, as shall appear hereafter.

Paving. The jury order that Robert Becke and Francis Pendilton shall pave, or cause to be paved, the street afore the house and houses now or late in the holding of William Edge and James Chetam deceased, upon the proper costs and charges of either of them, for their own part, &c.

Cesspools. The jury order that the boroughreeve or his deputy [? the catchpoll] shall give warning to all the inhabitants of the town of Manchester that have any privy well in the open street, which may be or are noisome or hurtful to the passers by, to get and convey them away, 5s.

Socage. Heriot, &c. The jury present Peter Cowopp [to be a] burgess, and he the said Peter holdeth certain lands of the Lord la Warr in socage tenure,[75] and that Peter hath paid 6d for his heriot, and done his suit according to his bounden devoir, and the old covenant custom heretofore used, and oweth for his relief.

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labour, the same shall be killed and buried. No one shall put on a common any horse, mare or gelding infected with scab or mange, 10s. Note that the presentments against this statute (32 Hen. VIII. cap. 13) shall be certified by the steward at the next session of the peace, on pain of 4s. (*Kitchin.*)

[75] Tenure in socage is where the tenant holdeth of his lord the tenancy by certain service for all manner of services, so that the service be not knight's service. As where a man holdeth of his lord by fealty and certain rent, for all manner of services: or else where a man holdeth his land by homage, fealty and certain rent, for all manner of services; for homage of itself maketh not knight's service. Also a man may hold of his lord by fealty only, and such tenure is tenure in socage; for every tenure which is not tenure in chivalry, is a tenure in socage. Socage (from *soca*, a plough) because in ancient time a great part of the tenants who held of their lord by socage ought to come with their ploughs, every one for certain days in the year, to plough and sow the demesnes of the lord; and were thereby quit against their lord of all manner of services. Afterwards these socage or plough services were changed into money, by consent of the tenants and desire of the lords, viz., into an annual rent, &c. But yet the name of socage remaineth, and in divers places the tenants yet do such services with their ploughs to their lords. So that all manner of tenures save by knight's service, are called tenures in socage. (Littleton's *Tenures.*)

Court held 16th October, 2 & 3 Philip and Mary (1555).

[*Catchpolle,* William Reade.[76] Amongst the "Byrlamen," some are appointed for "the Withing-greve," now Withy Grove.]

"Skevengers" were appointed to sweep and keep clean the following streets: Market Stede Lane, Deansgate, St. Mary's Gate, the Old Market Stede from the Booths to the Smithy Door, from Hunt's Bank to the house now or late in the holding of John Curtenhall, the Hanging Ditch and the Meale-gate, the Mylnegate, and the Market Place.[77] Scavengers.

The Jury order that Thomas Trafford, gentleman, do make and set two *steles* [stiles], viz., a stile leading from the highway called Market Stede Lane into a field called the Brick Croft; and another stile to lead the way from the Brick Croft aforesaid, to a lane or footway now in the holding of Robert Holme, gentleman, 5s. Stiles near Market-street.

The jury order the said Robert Holme in like manner to make another stile forth of the said lane, leading to a place called "Doube Hole" [Daub Holes, the site of the old pond before the Manchester Royal Infirmary], 3s 4d. Stile to the Daub-holes.

The jury order that from henceforth and always hereafter all and every inhabitant and householder of the town of Manchester, shall have lawful warning, to appear and give attendance at the great Leet Court,[78] according to their duties, or else they and Attendance at the leet.

[76] *Catchpole* (*Cachepollus*, sometimes *Cacherellus*, *quasi* one that catches by the poll), an inferior bailiff. Sheriff's officers are commonly so called. As the boroughreeve was anciently the lord's bailiff, so the catchpole was the boroughreeve's under bailiff, and hence he was usually appointed by the jury next after the boroughreeve and before the constables. In an old MS. of the Customs of the House of Farendon, the bailiff's wages are 13*s.* 4*d.*, the catchpole's 9*s.* 7*d.*

[77] Scavengers (from the Belgic *Schaven*, to scrape or carry away) were persons chosen to cleanse the streets with rakes and besoms, and then to carry away the dirt and filth in carts. All inhabitants were to sweep the streets before their own doors once or twice a week, under a penalty.

[78] The two half-yearly Courts were termed "the great Leet," and the hundred Court or "three weeks Court" the "little Leet."

every of them to be amerced that make default, without any favour, according to the discretion of the afferators for the time being.

Neglect of the Market-place.

The jury order that the persons which be appointed to make clean the Market Place, shall have warning by the boroughreeve to amend their doing, or else the boroughreeve, with the counsel and consent of the constables, shall appoint and choose new officers for the same, for seeing always that they make clean the same every Tuesday.

A dispute.

Whereas there is a matter betwixt Sir Robert Briddocke, priest, and them persons late chosen and sworn at the court of Manchester, as shall more plainly appear in the book of the said court there, the same being now p'nt [present] by the order of the Right Hon. the Earl of Derby, the jury doth order that the same order shall take effect at his will and pleasure.[79]

Slander. A reveller.

Whereas a bill of complaint hath been made by John Barelowe and Edmond Blomeley, as more plainly appeareth in the same, that James Hardeman and John Wilson of the Mylne, shall be punished for their slanderous words, according to their deserves; remitting the same to the steward.

[A similar order is made as to the wife of Robert Kershawe, "who hath not only accused him [the complainant] for no honest man, but also slandered him to be a *reveller* of theirs,"] &c.[80]

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[79] We do not find any other mention of this Sir Robert Briddocke, or Brideoake, priest; but there was in the *Ecclesiastical Survey* of 1535 a Hugh Bryddoke, priest of Radcliffe's chantry, and a John Bridok, priest of St. George's or Chetham's chantry (the same chantry said to have been founded by Wm. Radcliffe), in the collegiate church of Manchester in 1548, when the commissioners of Henry VIII. made their return of the chantries in Lancashire. This chantry had been founded in October 1501, by Robert Chetham of Manchester, gentleman. (See *Lancashire Chantries*, p. 40.) The "Court of Manchester" referred to in the entry is in all probability the three weeks Court, the order of which is here confirmed by the superior jurisdiction and power of the Court Leet.

[80] *Slander* of old was the speaking evil or falsely of any member of the royal family or of the nobility, or of civil or ecclesiastical dignitaries. But the offence in

Court held 9th April (1556), 2 & 3 *Philip and Mary.*

Trafford. Calengers.

The jury find that Raphe Trafford Esq. is deceased since the last court; and further they do order that proclamation shall be made afore the next court that the *calengers*[81] and right heir or heirs thereof shall present themselves and come into court, and bring with them their best evidence, and to do their suit and fealty, according to their duty and the old covenant custom heretofore used.

Hulton.

[A like presentment, as to the death of William Hulton, of Donnington.]

Foddering in the Market-place.

The jury order that William Edge and Benet his wife, nor any other for them, shall not suffer any horse, mare or cattle to be tied and foddered under or at the house of Francis Pendilton now being in the Market Stead; and for ever hereafter to make clean and put away the same afore their own house, and that no dunghill be made afore their own house in the street, nor any unseemly hill or muck, 3^{s} 4^{d}.

Encroachment. Collyhurst common.

The jury find that Richard Radcliffe or his tenant hath encroached the lord's waste at Colyhurste Foold;[82] and further the jury doth order that the said Richard, or his tenant there, shall make the hedge in the old place, and lay down the said encroachment to the common, as it hath been heretofore, 5^{s}.

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the text, slander of private persons, seems to come within the category of what was called "eaves dropping," which see (p. 38, *ante*). The slandered man seems to have been accused of being dishonest and of being a "*reveller*" of his slanderers. Whether this means a drinking companion, or a *reviler*, is a little uncertain.

[81] *Calengers* (? from *Calangium*, a challenge or claim) probably here means claimants.

[82] Collyhurst Fold is probably the same with what is elsewhere spelled Collyhurst Foot, the Lancashire pronunciation of *fold* being *fowt*.

Court held 30th September, 3 & 4 Philip and Mary (1556), *before the Right Hon.* EDWARD EARL OF DERBY, *Steward of the same Court.*

Strangways. The jury find that Philip Strangwayes of Strangwayes Esq. is departed, and that William Strangwayes is his heir and at lawful age.[83]

Bromeley. John Bromeley of Brandylshulme [Brandlesome] is dead, &c.

Prestwich. Richard Prestwyche of Manchester, to take away a certain midden or dunghill before his house in the Market Stede Lane.

Johnson. Tho. Jonson of Manchester gentleman, is to make a sufficient defence in the Market Stede Lane where he now hath a dunghill, with pale or otherwise, so that the dung or muck be no noyance or evil sight in the field there, 10s.

Grinding at the mill. The jury doth order that all merchants and householders in the town of Manchester shall have warning in the church, to come and grind their corn and grain at the Mylnes belonging to the Free School of Manchester, according to their duties, and as they be thereunto bounden; and from thenceforth they and every of them offending to the contrary shall be amerced and assessed at the discretions of the affeerors of this court for the time being. Provided always that if any officer or officers, as farmer, milners, tollers, carrier, overseer, or grinder, or any other officer, make any fault to any manner person or persons; finding him or them grieved to complain to the farmer or his lawful deputy for the time being, and [that they] cannot be arrecompensed or agreed with, the same person or persons to be at liberty to grind his or their corn and grains where they or any of them will or may, until further order be had and taken.[84]

[83] The full (or lawful) age of male and female according to common speech is twenty-one years. And the age of discretion is fourteen years; for at this age the infant which is married within such an age to a woman, may agree or disagree to such marriage. (Littleton's *Tenures*.)

[84] As to the service of suit at the lord's mill, the reader is referred to various

Edmund Blomeley, or the tenant occupying the place hereafter named, shall at all and every time or times hereafter make clean the street every week, as well afore the smithy there [? in Smithy Door] as under the severall of the house of the wife of John Rawlinson. The old smithy.

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notices in *Mamecestre*, for which see its Index. In October 1509, Sir Thomas West, the lord of the manor, granted for ever to Hugh and Joan Bexwyke and Ralph Hulme, his water corn mills called "Manchester Mills," on the rivulet of Irk, and all his lands &c. as far as to the river of Irwell; also all the tolls taken of the said mills, of all the tenants of the said Lord La Warr, in Manchester, and of all other residents there. Also his fulling mill there, called a Walke Mill, upon the Irk. Also the Walker's Croft. Also the rivulet of Irk itself and the free fishery of the same from Asshelle Lawn [Ashley Lane] to the Irwell; and all his lands and tenements adjoining, with the right to erect mills, weirs, &c. In April 1525, the surviving grantees, the Bexwickes, granted all the said premises and others, including the messuage called "Manchester School House," to twelve trustees or feoffees, for the good maintenance of the Grammar School, to endure for evermore. Hugh Oldham, Bishop of Exeter, had previously erected the School House and bought the remainder of a sixty years' lease of the mills, and granted other property in Manchester to endow the school. Thus the lord's mills on the Irk became the Grammar School Mills. It is clear from the context that the farmer of these mills in 1556, or the millers, had given some dissatisfaction to the tenants, who in retaliation were taking their corn &c. to be ground elsewhere. The soke corn mill of the lord had three successive sites. The oldest was Knott Mill, which, on the lord and the inhabitants preferring for residence the neighbourhood of the Irk to that of the Medlock, seems to have been disused, and a mill was then built on the great fosse or ditch, which from its being spanned by a hanging bridge, leading to the Baron's Hull (now Chetham's Hospital) took the name of Hanging Ditch. This fosse or ditch passed down the line of the street which still bears its name, and along Cateaton-street, and emptied its waters into the Irwell near the Old (now Victoria) Bridge. When this fosse was at length filled up, the lord's corn mills were erected on the river Irk. The two streets called Millgate took their names from these last two sites; Old Millgate being the road to the old mill on the fosse; Long Millgate the way from the town to the new mills on the Irk. The sites of the three mills on the Irk are indicated by the figures 1, 2, 3, in the frontispiece.

Court held 21st April, 3 & 4 Philip and Mary (1557).

Hulton. William Hulton of Farneworth is departed, and . . . . . is his son and heir.

Alport stead and park. John Gee shall make a thoroughfare or pathway, that the water may have his course from Alport Stead to the ditch there, and so through the ditch anendst a certain fold there, and also to schame [? scheme or contrive] the said ditch at all times, that the water may have his course into the ditch betwixt Alporte Park and the lands of John Tetlowe before Pentecost, 3s 4d.

Barlow moss. Robert Holme shall make *a nysshewe* [an issue] for the water that cometh from Barlowe Moss, so that the same may pass through a certain fold of his, now in the holding of George Romsdene, 3s 4d. Misericordia.

Hindley. Aspull. Robert Hindley gentleman which did hold of this manor one messuage &c. in Haspull [Aspull, near Wigan], now or late in the tenure of Roger Higham, is departed, &c.

Houghton. Richard Houghton did hold of this manor a capital messuage in Haspull, &c.

Westhoughton. The jury find that a rent of 18d [is] due to the lord of the manor out of the township of Westhoughton, the which is withdrawn.

Court held 30th September, 4 & 5 Philip and Mary (1557).

Selling bread in the streets. The jury order that no breadsellers shall stand to sell bread in the street, from the corner of the shop now in the holding of John Houghton to the church stile. It is further ordered that all &c. so offending from time to time, the officers for the time appointed, at every time so offending, shall take one pennyworth of the bread, and dispose the same to the poor.[85]

[85] This denotes a custom of standing in the street or market place with bread for

The jury order that all and every of them that do brew or bake within a manor or town, shall sell their bread and ale according to such weights and measures as the officers shall appoint them to sell by, and to fulfil the same order from time to time; and every of them offending to the contrary to be amerced according to their deserves and trespass.[86] Bread and ale.

The jury find that there is a course of water coming some time from the back side of Edward Jannye, late of Manchester deceased, which owe [ought] to have his course and passage from the back side of the aforesaid house through a certain pale into the back side of Richard Shalcrosse, late departed, and now in the holding of Hugh Travers, and so from thence through the *parler* now in the holding of the said Hugh, into the High-street. *Forseing* and provided always that they dwelling in the house of Edward Jannye, nor any their family, shall not in anywise fling down or cast through in the same gutter or pale, any *underence* or noisome thing as [urine], *boole*-water [bowl or washing-up water], *welling* [? boiling water], or filth which might or should be, as well to them of the same house or *parloure*, as also to the passers through the street. Watercourses.

The jury order that the water coming from the Reade Bank [? Red Bank] head shall have his right concourse according as it [is] now appointed.

Court held March 29th, 1 Elizabeth (1559).

The jury find that Elizabeth Gee, widow, on the day aforesaid, in the presence of Alexander Rigbe gentleman, the jury aforesaid, and all the company appointed in the great Leet Court, then and there did confess and declare that John Gee of Manchester is her eldest son, and her right heir of all her lands and tenements, rents, Gee. Acknowledging an heir.

sale, perhaps along the Old Market Place, and what is now called Church Gates, to some stile then existing on the south side of the church yard.

[86] For enactments as to the assize of bread and ale see the Prefatory Chapter, p. 41 *ante*.

reversions, &c. That she had given all her lands &c. to the said John Gee, her eldest son, and to his heirs, and then and there required that the said John Gee might be admitted, entered and received the lord's tenant of the said lands &c. and other the premises in Manchester, from henceforth, to serve the lord as a burgess there, with condition that the same John shall permit the said Elizabeth to enjoy and occupy the same during her life. Witnesses thereto Alexander Rigbye, John Gloverr.

Byrom. George Byrom is departed, and Richard Byrom is his son and heir.

Trafford's heirs. The jury present these persons following to be heirs unto Mr. Raffe Trafforde of the Garrett Esq., and to be brought in burgess at the next court, viz.: — Gilbarte Gerrard, Tho. Lee and Isabel his wife, Randill Clayton and Thomasson his wife, Hughe Traves and Anne his wife, and Alyce Trafforde. *Teste John Gloverr, cler. ibidem.*

Court held 4th October, 1 Elizabeth (1559).

Gaming. The jury order that no manner of persons within the town of Manchester, keeping wine, ale or beer to sell, shall from henceforth have any unlawful gaming in their houses, upon pain to forfeit according to the statute 10s.[87]

Swine &c. in Market-street. Elizabeth late wife of Richard Brownsword to remove a swine-cote standing in the Market Stead Lane, 3s 4d. Also all other swine-cotes within the town to be removed, so that they nor any of them be not noisome to the passers by in the street, each 3s 4d.

Butchers' nuisances All such butchers whatsoever they be as have any flesh to sell in the market and do soil the street with horns or such like filth, shall immediately make it clean, or cause the same to be made clean from time to time, 4d. Also, that no manner of persons, whatsoever they be, shall in no wise have their horses, mares or cattles to the intent to *beate* [bait] or fodder them in the streets

[87] See Prefatory Chapter, p. 33, and note 31, p. 34.

there, before any man's house or shop, to be hurtful or noysome to any the neighbours, or dwellers there, sub pena every horse or mare (we mean the owners thereof) every time so offending, one penny to the officer called Catchpoll, and further to be amerced or cessed at the lord's pleasure.

Swine abroad. No manner of persons within the town shall keep any swine from or after the feast of St. Martin the Bishop [November 11] next, to go abroad in the street, unless it be to drive them immediately to the cote or from the cote, 1d.

Brewers and bakers. The jury present that they know none that doth brew or bake ale and bread, but they break the assize, contrary [to] or against the statute; wherefore they present every of them to be offenders therein.

Court held 18*th April*, 2 *Elizabeth* (1560), *before* EDWARD EARL OF DERBY, *Steward.*

The catchpoll. * The catchpoll hath not done his duty concerning the swine, according to the order before in that case provided.

The jury present that all bakers and brewers within this manor have offended and broken the assize.

The jury find that the *birlamen* of the Deansgate have not done their duty, 4d each.

Clayden. The jury find that Robert Clayden is the *hyre* [heir] of one house &c. in the town of Manchester, called Cleyden Hall, and that he shall be presented burgess at the next court, if there be not sufficient matter showed here in court to the contrary.[88]

[88] The Cleydens of Cleyden Hall in the parish of Manchester were an old local family; one branch of which was seated at Tawnton or Tongton Hall, in the parish of Ashton-under-Lyne, so early as 1399, and this hall continued in the possession of his descendants until the 21st Elizabeth (1579), when the direct line failed on the death of Robert Cleyden gentleman, and his four daughters and coheiresses succeeded to his estates in Cleydon, Tongton, Middlewood and Manchester. (*Notitia Cestriensis*, vol. ii. p. 5.)

Lord's rent. Chantry lands.

The jury find that there is a rent of 4s 10d withdrawn from the Lord Lawarr, due out of the lands of the chantry, late in the holding of Hugh Bridd, and last in the holding of Sir William Widdall; which lands lie in the town of Manchester, in a place there called the Hanging Ditch; that is to say, the New Tavern, with the taverns, shops and lofts of the same; also one house in the holding of George Ramsdeyn; also a house &c. near to Collyhurst.[89]

A jakes.

The jury order that Alexander Massie and Robert Birtle shall make them a *jakes* [house of office] in a certain gutter there, betwixt them, 3s 4d.

The common oven.

The jury order that John Chalner [Challoner] gentleman, one of the burgesses of Manchester, shall content and pay yearly to the Lord Lawarr the sum of 6s 8d for a common oven, which he holdeth of the Lord Lawarr, as it is thought by the burgesses and others, unless the said John Chalner or his lawful deputy can or will give lawful evidence to the contrary on this side or afore the feast of Pasche or Easter, which shall be in the year of our Lord 1561.

Archery butts.

The inhabitants within the town of Manchester shall make or cause to be made two pairs of butts; that is to say, the inhabitants upon the south side of the church to make one pair of butts in the Manchester Lane; and the inhabitants on the north side of the church, one other pair of butts, upon Collyhurste, afore the feast of St. John Baptist [June 24] next, sub pena each division, 6s 8d.[90]

[89] The chantry here referred to is that of Holy Trinity, better known as Jesus Chapel, in the Collegiate Church of Manchester. Of the two priests of this chantry named in the text we do not find any particulars relating to Hugh Bridd (a Lancashire form of Bird), unless he be the "Hugh Bridd" who held an intake, rent 3*d.* in the rental of 1473; but of Sir William Widdall, more correctly Woodall, we learn that in 1553, "William Woodalle, priest of the Holy Trinity Chantry, had a pension of 5*l.* for life." (Willis's *Hist. Mitr. Abb.* vol. ii. p. 107.)

[90] Numerous legislative efforts were made to keep up the old English skill in archery. Three statutes were passed in the reign of Henry VIII. That of 1486 fixed the maximum price of the long-bow at 3*s.* 4*d.* In 1541 an act was passed (33 Henry VIII. cap. 9) "for the maintaining *artillery* [the old name for archery] and the de-

Every person keeping swine, or having swine that hath gone abroad heretofore, and hereafter so proved, shall pay 12d, and from henceforth every one so keeping swine, going abroad in the streets, folds, or such like place, shall forfeit to the lord for every time 12d. Straying swine.

Court held 2nd October, 2 Elizabeth (1560).

[Amongst the inferior officers the "ale founders" of former leets are now styled "*ale coyners,*" *i.e. conners,* from *con,* to ken, learn know.] Ale-conners.

Any person within the town shall not suffer within his house or otherwise any carding, dicing, bowling in his or their garden, Carding, dicing, &c.

barring unlawful games," which were "greatly practised to the great hurt and *lett* of shooting and archery." Amongst other causes of the decay of archery, the preamble alleges the high prices of bows, the common people being unable to buy long-bows of yew. This statute enacts that every man under sixty years of age shall have bows and arrows for shooting continually in his house; all fathers of man-children between seven and seventeen years, shall provide each with a bow and two shafts and teach them shooting; masters to abate the cost of their servants' bows and arrows out of their wages; and section 4 (which puts the Court Leet in motion) enacts, amongst other things — "That butts be made on this side the feast of St. Michael the Archangel next coming in every city, town and place, by the inhabitants &c. according to the law of ancient time used; and that the inhabitants and dwellers &c. be compelled to make and continue such butts, upon pain to forfeit, for every three months so lacking, 20*s.*; and that the said inhabitants shall exercise them with long-bows in shooting at the same, and elsewhere, in holy-days and other times convenient." Section 5 enacts "that every person may have bows of mean price;" the bowyers for every bow they make of yew, are to make four others "meet to shoot in, of elm, witch-hazel, ash, or other wood proper for the same," (penalty, 3*s.* 4*d.*) By section 6 they were to make yew bows for all ages, at prices from 6*d.* to 12*d.* for boys between seven and fourteen, and so on. Justices of peace, and "stewards of franchises, leets and law-days," have power to inquire, hear and determine in the leets &c., and to examine all persons lacking bows, shafts and arrows. The act is to be publicly proclaimed four times a year in every market. This act failed to arrest the decay of archery, and accordingly another was passed, six years after this order of the Court Leet jury (8th Eliz. cap. 10, 1566), entitled "An Act for Bowyers and the prices of bows," and another (cap. 14) for facilitating the importation of bow staves from abroad.

house, chamber, fields or shop, whereunto any poor or handicraftmen should come unto, or resort, 10s.

Swine yoked and ringed.

Whereas at the last court it was ordered that no swine should come abroad into the street &c., 12d, the premises whereof standing they go broad still; wherefore we further order that after the feast of St. Martin [November 11] there shall no swine go abroad into the street, unless they be both yoked and ringed, and that to be when they drive them of necessity unto Collyhurst or some convenient place, and there leave them until evening that they come unto their houses again, for every swine 2d. And that the same should be more duly observed we appoint these persons [two gentlemen and five other officers] to see the same executed and observed.

Boundary wall.

Whereas there hath been controversy and debate betwixt James Chorlton and Ralph Radley, concerning a wall of stone and pale, it is ordered that James Chorlton should make &c. a wall of stone which shall be along his little house into the *Binging* [? dunghill] and cut his pasture hard by the easing; and that Ralph should set the pale straight from the midst of the great unto the little house as it was accustomed, afore the Nativity of Christ next, *auther* [either] of them, 40d.

Foddering. Market-place.

Whereas divers persons, contrary to all good order, do use to fodder their horses in the Market Stead along after [aft or behind] men's houses and shops, — we order that they which be appointed to make clean the Market Place shall bring any horse so foddered unto the lord's fold, unless the owner thereof agree with them to make clean the same.

Cleansing market stalls.

Every *boocher* [*boucher*, French, butcher], pedler, glover and salter, and such like occupiers, shall make clean their stalls or standings from time to time, or else to pay quarterly a penny to them that shall be appointed to make clean the market weekly from time to time. [In the margin] "Factum est."

Alesellers' beds and signs.

No person within the town &c. shall brew to sell unless they be able to make two honest *beddis* [beds], and every one of them shall put forth of his window, or some other convenient place, the

sign of a hand painted, afore the feast of St. Martin [November 11] next, 10s.

All other that do brew to sell and are able to make four honest beds, shall set forth a fair and commendable sign at their houses, that strangers and travellers may know where to lodge, 20s.[91] Larger alehouse signs and beds.

John Devias is next heir of George Devias, late deceased, of, in and to one barn and two cottages with a parcel of ground next adjoining, in the Deansgate in the Over Ackers, and that he is burgess and shall do his fealty to the lord at this present [court] according to the ancient custom of this manor. Devias.

Court held Thursday, 10th April, 3 Elizabeth (1561).
EDWARD EARL OF DERBY, *Steward.*

The jury order that John Chalner, or his deputy, shall show, at the next court day, sufficient conveyance from the Lord la Warr, or his officers, for the common oven and the way leading or going to the same; or else it shall be lawful for the said Lord la Warr or his officers to enter into the same as in his own right.[92] The common bakehouse.

[91] Brewers for sale would be alehousekeepers of a better class, small innkeepers or innholders. It is said that the oldest sign for a place where wine was sold was a green bush over the door; hence the proverb, "Good wine needs no bush." It would seem from the order that the hand was already a familiar sign to the traveller, and it would doubtless denote that there both bed and board, including beer, might be had. We have not elsewhere met with any instance of this particular sign being used by the smaller inns. For the larger, which should be able to make four beds, the better sort of sign was left to the choice of the innholder.

[92] There seems here to be a question as to whether John Challoner possessed a sufficient conveyance from the lord of the manor to hold the common bakehouse or oven of him. (See a previous entry of 15th April, 1560.) In the rental of Thomas West, in 1473, we find named among the tenants-at-will the wife of Thurstan Challoner or Challener, holding a common oven or bakehouse [*furnum*] in Manchester, at the will of the lord, for which she paid a rent of 6*s.* 8*d.*; also an intake, lying at the end of her barn, at a further rent of 8*d.*, and a grange or farm building 4*d.* more, (*Mamecestre*, p. 502), and the John Chalnor of the text would seem to be a descendant of Thurstan's, and to have set up a claim to tenure not justified, if he were merely, like his ancestor eighty-seven years before, a tenant-at-will.

A sign. William Barlow shall make a sign to set forth at his house according to the order taken in the court, 10s.

The school mills. All the inhabitants of the town &c. shall grind their grains and corns at the mills belonging to the Free Grammar School of Manchester from time to time, to and for the maintenance of the godly foundation there, according to an order before taken in 3 and 4 King Philip and Queen Mary (1556). And if George Bowker do carry any such grains and corns after this time forth, or any other person hereafter, contrary to the said order, to forfeit to the said lord for every time 20s; unless they have sufficient grant heretofore made by the lord or his ancestors lords of this manor.

Disputed boundaries. Whereas there is a variance about *meares* [boundaries], ditches and hedges, now in the holding of George Proudlove and Richard Hoope, we order that the same shall be used at all times hereafter as shall be appointed by [four persons], and the same so made and ordered by them, shall be put into this book of our register by the clerk of the court; and all other variances and *greves* [grievances] which are not at this time in memory, shall be likewise ordered and appointed.

Cattle on Collyhurst. Any manner persons not inhabiting in the town of Manchester, whatsoever they be, shall take their cattle from Collyhurst afore the feast of *th' Envencon* [the invention or finding] of the Cross [May 3] next, unless they have evidence to shew for the same, which evidence to be shewed afore that feast, 40s.

Clay at the school-house. No manner persons &c. shall at any time hereafter make any *dowbe* [tempered clay] at the School House end, unless they immediately after the making thereof convey it away, 10s.

Newton-lane. George Hall is to cleanse the ditch and amend the way or causeway in Newton Lane according to a gift and grant thereof, made upon his charge, before the Nativity of St. John Baptist [June 24] next, 40s.

Court held 21st October, 3 Elizabeth (1561), *before* EDWARD EARL OF DERBY, *Steward.*

No manner of persons &c. shall not from henceforth cast any dung, filth or muck upon or over the Hanging Bridge, anendst the tavern of Anne Traves, 4d. No manner persons shall in no wise hereafter ride over, either pass or repass, over and upon the same bridge, with horses and such like, 2d. Officers appointed for the same, Nicholas Bexwicke and Thomas Herdman &c. Nuisances. Hanging-bridge.

No persons shall cast any muck or dung over the church yard wall anendst the house now in the holding of Richard Tippinge, 4d. — Richard Tipping from henceforth or whosoever occupieth the house late of Richard Brownsworde shall make clean the same [wall] that it be not noisome or hurtful to the neighbours or passers by, 3s 4d.

No persons to cast any dung &c. over the church yard wall, at the lodge end there, nor in any other place about the church yard wall, 4d. Church-yard wall.

No manner of person, unless he may dispend 40s of freehold [by the year], shall keep any greyhound dog or bitch, nor any hound, or such like, under penalty in the statute &c.[93] Keeping dogs.

The wife of Elys Radclyffe and her family shall suffer William Proudlove to occupy a watering-pool belonging to the house wherein Richard Whitell now dwelleth, 3s 4d. Watering pool.

Where[as] the orders before made have not been sufficiently published accordingly, we order the same to be performed after forty days next after they have warning thereof, any[thing] to the contrary notwithstanding. Enforcing orders.

[93] If any artificer, labourer, or other layman, who hath not lands or tenements to the value of 40*s.* by the year, or if any priest or clerk who hath not living to the value of 10*l.* by the year, will have or keep any greyhound, hound, or other dog for to hunt, or will use ferrets, heyes, nets, hare-pipes, cords, or other engines, for to take or destroy deer, hares, coneys, or other gentlemen's games, he shall be imprisoned by the space of one whole year. (13 *Ric.* II. *cap.* 13, 1390.)

Prices of ale, in and out.

No manner persons &c. shall sell ale above 4d the gallon without the house, and 6d within the house, 6s 8d.[94]

Sign of the hand.

Those that brew to sell and keep no inn, shall have a sign of the hand, which sign, so long as they have ale to sell, shall be put forth; and when they have none ale to sell, to take in the hand. And further that they, nor any of them, nor those that keep inns, deny any person of the said ale for their money, according to the order abovesaid, having ale in their houses to sell, 6s 8d.[95]

Butter in bread.

No persons shall make any kind of bread that shall have any butter *minged* [*i.e.* mingled or mixed] therein, for to sell or take any money therefore, 10s.[96]

[94] Here we have a difference of 2*d.* the gallon in price between ale to be drunk within or outside the premises. The prices of ale and beer were fixed by the local assise, till the statute of 1 Jac. I. cap. 7 (1603), which enacted that if any innkeeper &c. shall at any time utter or sell less than one full ale quart of the best beer or ale for a penny, and of the small [beer &c.] two quarts for a penny, he shall forfeit for every such offence 10*s.* to the use of the poor of the parish.

[95] This shows the sign of the hand to be not only a notice of "good beds," but of "good ale," as when there is no ale in the house the sign of the hand is to be "taken in," and on brewing again, to be "put forth." But when any ale was in the house the vendor was not to refuse to sell it at the proper price, under a penalty.

[96] This is a singular sumptuary regulation on food, and it is only the first of a great number of presentments, complaints, and orders of the steward and jury; being resisted or evaded with a pertinacity which should have demonstrated its folly and futility. The principal evasion was in the substitution of suet for butter; and then the Court Leet prohibited both these materials for making "short cakes." They raised the penalty, and they appointed two, then four, and at last twelve officers to see that this offence was not committed; nevertheless the Court Leet books show that it was rife even at the close of the century, forty years after the order in the text. It is not easy to discover the reason or motive for the prohibition. We have been unable to discover any legislative enactment bearing upon the practice. Nor have we found the custom noticed as existing elsewhere. Perhaps bread made and sold by bakers, being limited by law to three sorts, white bread, wheaten bread and household bread, these short-cakes or butter cakes were regarded as contrary to the statute. In a work entitled "*Artachthos*, or a new book declaring the assise or weight of bread," &c., printed by a special order and license of the Privy Council, dated April 1638, and containing orders of that council, it is in these set forth that bakers and others have "not only baked and sold bread of odd assises, made by their own inventions, but also sundry sorts of bread, which are both repugnant to the laws of this realm and

No persons shall occupy or put to use any *mast*, nor *mynnes*, or *sheed* nette, or *buts*, or such like, which is contrary to the act in that case provided, 10s.[97] Taking fish.

No person shall carry forth any privy [*i.e* night soil] afore ten of the clock at afternoon and after four o'clock before noon, 6s 8d. Night-soil.

Robert Langley knight is departed since the last court, and Maistress Anne Langley [his daughter] is his heir and shall be brought in at the next court day. Langley.

The jury present one Jóane Marler, spinster, and Elizabeth Lorde, that they two came to the house of George Proudlove in the Denis-gate, and there did enter into the same and take away certain *chippes* [? firewood] without license, contrary to honesty, civil order, and to the evil ensample of all good people, they being forewarned; — We order therefore that the said Joan and Eliza- Stealing chips.

hurtful to the common wealth." Accordingly, among the orders of the Privy Council, is one — "That no baker or other person shall make or bake to be sold, any other kinds or sorts of bread (except simnell, wastell, and house-bread, allowed by the laws and ancient ordinances of this realm), as spice-cakes, buns, biscuit, or other spiced bread, (being bread out of assise and not by law allowed,) unless it be for burials or on Friday next before Easter [*i.e.* Good Friday] or at Christmas, upon pain of forfeiting all the spice-cakes, to be distributed amongst the poor." Though butter or suet-cakes are not named in this order, they may have been held to be obnoxious to it, as differing from all the three kinds allowed by statute. Some of the Court Leet orders on the subject seem to be directed only against bakers and others making for sale, expressly exempting those making such cakes for private use; but other orders appear to make no exception to the rule.

[97] The statute of 1st Eliz. cap. 17, 1559, "An Act for the preservation of the spawn and fry of fish," sets forth what nets and other devices may be used for the taking of small fish, and enacts among other things that no person after the 1st of June, shall in any way take *shedder*-salmons, or *shedder*-trouts, they not being in season. This may explain the term "*sheed* net" in the text. By section 1, "no man shall after the 1st June, with any manner of net, weele [a wicker basket for catching eels], but [a conical basket for catching salmon], taining, kepper [an ozier basket for catching pike], lime, crele [a basket], raw, dag-net," &c., take any young brood, spawn or fry. The fourth section enumerates, amongst small fish, "smelts, loches, *minnies* [minnows], bulheads [miller's thumbs], gudgions, or eels." The tenth section imposes a penalty on all stewards of leets that do not give this statute in charge to the jury, and upon juries of Courts Leet that conceal any offence against this act.

beth shall have condign punishment for the same, at the discretion of Mr. Steward; after which punishment the said persons shall kneel down, [ac-]knowledge their fault, and ask mercy at God's hands and the said George.

Suitors defaulting. We do present all [suitors] that make default, — that is to say the knights in 2s, the esquires in 12d, the gentlemen in 8d, and the other in 6d a-piece if they have no reasonable cause to show for their absence.

Mud wall, Market-street. Robert Holme hath repaired the houses now standing in the Market Stead Lane, according to an order thereof made. The mud wall there is yet undone, and standeth in doubt to us whether he ought to do it or not; — We in that consideration do order that it shall be made sufficiently afore the feast of St. Michael the Archangel (September 29), 13s 4d, if the lord do so allow the same to be done.

Statute price of ale. Every person which doth and shall keep alehouse shall not sell any ale or drink in their house, or out of their house, contrary to the statute; neither any such shall not deny any of their ale or drink to any person having need thereof [for money], viz. 4d a gallon, and not above, sub pena 13s 4d; th'one-half to the taker and the other to the lord; and for every time it shall be lawful for the taker to recover the same in this court, by way of action upon proof and good evidence shewed.

Court held April 2nd, 4 Elizabeth (1562).

Langley. Sir Robert Langley is departed, and Anne Langley his daughter is his heir and of lawful age, and ought to do the accustomed service to the lord.

To muzzle dogs. All that keep doge, mastye [mastiff] or great *bane-doge* or bitch, shall not suffer the same to go abroad, unless the same be muzzled, after this day, 12d.[98]

[98] *Mastye* was the old form of mastiff, in Lancashire and the north of England. "A Masty dog" (Hobson's *Jests*), and "Masty curres" (*Du Bartas*). *Ban-dog*, pro-

Whereas it was ordered at the last court that none of the inhabitants &c. should put no butter into their bread, of what kind some ever it were, in consideration whereof some have kept the order and some not; — therefore we order now in like manner, there shall no butter be put into any kind of bread, unless it be by such as doth make the same for their own house or to give their friends, but not to sell again; nor that any bakers shall bake any bread that hath butter in to stranger or others, unless as aforesaid, 20s. And that this be prevented we constitute Thomas Houlte and George Barlawe, and they to be sworn for the prevention thereof. Butter in bread.

John Chetam of Nuthurst, and Nicholas Dopsone of Moston, shall come in at the next court, and there to be entered burgess &c. Chetham.

The wife of Oliver Crompton [and three others] shall not sweep any kind of mire or other thing that may *let* [hinder or obstruct] the watercourse that goeth by the Booths, 12d. The Booths watercourse.

All the inhabitants &c. shall not sue nor procure any suit in any [court] for any action, cause, complaint or matter, under the value or sum of 40s, but only in this court. [Penalty obliterated.] And if any officer of the same court do any wrong to any person, the same, so proved, to recover his damage of him that hath done him wrong. Inhabitants to sue in the leet.

Henry Baron shall withdraw an action now commenced [in some other court] against Jamys Bordman upon his own proper cost and charge; and that he and all others the inhabitants &c. having an action there shall in like manner withdraw the same [Penalty gone]. Actions elsewhere withdrawn.

That there shall be two attorneys in this court from time to Two attorneys. Their fees.

perly *band-* or *bound-*dog, was a dog always kept tied up on account of its fierceness and with a view to increase that quality in him, which it certainly would do. These were the dogs kept for baiting bears, and probably also bulls, and they may be the same with the true old English bull-dog. (Nares' *Gloss.*) On Queen Elizabeth's going to Kenilworth, it is stated that "a great sort of *ban-dogs* were there tyed in the utter court and thirteen bears in the inner." (*Progr. of Eliz.*)

time, to abate matters and causes lawfully betwixt party and party, and to have for their pains of every client *not above twopence.* Officers for this time, attorneys appointed, William Reade [? the Catchpoll], Richard Galley.

A port-moot.

The Portmouthe [Port-Moot, a city or town's court] holden the last of September in anno 1562.

[Scavengers were appointed for Deansgate, for the Old Market Stead and St. Mary's Gate; from the Booths unto the Bridge; for the Fennell Street, Hunte's Bank, and unto the Meal House end; for the rest of the Mylne Gate; and for the Hanging Ditch.]

William Radclyffe shall make a sufficient concourse so that the water that courseth down the Market Stead Lane or elsewhere, that has been accustomed to pass the Booths, may pass from time to time, 3^{s} 4^{d}.

Signs re-painted.

All that keep signs within the town shall repair [repaint] them new, that men may know what signs they be, 2^{s}.[99]

Bakers to use no butter.

All those that doth keep any bakehouse, or hereafter shall keep any, and every of them, shall be sworn that they shall not bake any bread of any kind, wherein any butter shall be put, contrary to an order made in the last court.

Court held Thursday, 15th April, 5 Elizabeth (1563), *before* EDWARD EARL OF DERBY, *Steward.*

Dung. Salford bridge.

No dung to be laid at the near [or Manchester] end of Salford bridge.

A marl-pit.

Henry Holcroft, having encroached on the lord's waste, is

[99] It does not appear whether this order includes other signs than those of brewers, alehouse-keepers and inn-holders; but in all probability it applied to many other trades, which made their business known to passengers by the aid of symbolic signs outside their shops or houses.

amerced and ordered to take down a house he hath builded upon the same, and also fill up a marl-pit there, and also make a sufficient way, that all men may pass as afore that time they might have done, 4s.

The jury order that only one measure shall be made for all manner corns and grains, except meal or malt, as large or larger in net value and fulness as now is the hoop [peck] when it shall be and is upheaped; and the same so made to be stricken and not upheaped; which measure to be marked and allowed by the officers called Market-lookers for the time being; which order to take effect presently, or at Michaelmas next at the furthest.[100] Stricken corn measure.

Finally, we order that no manner *jake* [filth] shall be cast down Filth. Hanging-bridge.

[100] This order seems intended to effect uniformity in the mode of measuring corn, which appears to have been sold by some dealers by the *upheaped* measure; in others by the *stricken* measure. The jury require the practice to be, to sell by level or stricken measure, and not by upheaping the corn above the top of the measure. It is from *striking* the grain level with a sort of roller, that the measure of capacity itself, the bushel, is commonly called a *strike*. Taylor (1630) speaks of "one poor *strike* of corn," meaning bushel. The following is an assise of measures made by Richard I. in 1197: — It is enacted that all measures, throughout the whole of England, shall be of the same capacity, both for corn and for pulse, as also for other things of a like nature, that is to say, one good and reasonable horse-load; and this is to be the measure established, both within cities and boroughs and without. The measure also of wine, ale, and all liquors, is to be of the same size, according to the various natures of the liquors. Weights also and scales, and other measures of dimension, are to be of the same quantity all throughout the kingdom, according to the different nature of the commodities. Also in the measures of corn and of liquors, such as wine and ale, let pegs of iron be driven into them, that false measure may not fraudulently be given. It is also decreed that woollen cloths, wherever they are made, are to be made of the same breadth, to wit, two ells wide within the lists; and all are to be of the same goodness in the middle and in the sides. The ell is to be the same throughout the whole kingdom, and of the same length, and is to be made of iron. It is also forbidden to all traders throughout the whole kingdom, that any trader shall hang up before his shop red or black cloths, or penthouses, or anything else, whereby the sight of the purchaser is often deceived in choosing a good cloth. It is also forbidden that any dye shall be sold, or that any, except black alone, shall be made anywhere in the kingdom, except in cities or in county boroughs. (*Annals of Roger de Hoveden.*)

at Hanging Bridge nor at Salford Bridge, except it be into the water there, at after or before the times appointed, 20s.

Court held Thursday, 30th September, 5 Elizabeth (1562).

A waitt or town minstrel.

The jury order that Richard Kyrshaw from henceforth shall exercise the office of the common *wayte* in the town, and so to continue from time to time doing his duty, and using himself honestly as an honest man owe to do, or else another to be put in his room.[1]

A chantry rent.

The jury find that the Lord Lawarr ought to have yearly out of the chantry of the gift of William Radclyff a rent which they know not at this time; notwithstanding, we certainly know that 2s ought to be paid out of the same; the rest we shall present when we know further.[2]

[1] *Waitts*, generally used in the plural, is a word of uncertain derivation; some take it from their having to *wait* on authorities; others from *wahts*, Gothic; *guettes*, French; *waite*, old French, the watch or guard. They were musicians or minstrels, who, in cities and towns, perambulated the streets, playing on instruments, and at the same time acting as night watchmen. They were also in request at weddings, to conduct the bride and bridegroom to and from church, and to play lively music, dances, &c. at and after the wedding dinner. They were recognised as town officers, but their remuneration depended mainly on the pleasure of those for whose gratification they performed. Dr. Busby, in his *Dictionary of Music*, says that the word *wayghtes* or *waitts*, formerly signified hautboys, having no singular number; and from the instruments the name was transferred to the performers, who, being in the habit of parading the streets at night, occasioned the name to be applied to all similar musicians. In London the city waitts or minstrels seem to have existed time out of mind, being frequently mentioned by Stowe and other writers; in a royal ordinance of 1285 direction is given that "the watches and waits be set," and again, "that the *geyt* [wait or watch] shall be set at night within the city." (*Liber Albus.* See *Notes and Queries*, 2nd series, vol. vii. p. 480.) In 1612 the Manchester waitts visited Gawthorpe hall, near Burnley, in their itinerating round, and received a fee of *2s. 6d.* (*Accounts of the Shuttleworths*, p. 1077.)

[2] This is St. George's chantry, founded by Wm. Radcliffe, but better known in modern times as the Chetham chapel. (See note 79, p. 78 *ante*.) It would seem that

Whereas the steward hath presented to us certain persons who hath purchased burgages, lands and tenements, to them and their heirs for ever, yield to the *dom.* [lord] or seller thereof and his heir a yearly rent for ever; whereof the lord notwithstanding ought to have the service of all such, because the seller and his heir hath but a rent yearly for all service and demands; in this case it is presupposed the service must of force be unto the lord due as is of a burgage; yet because we stand presently in doubt therein, we have omitted our presentment therein unto the next court day, at which day and time we shall do our duties in that behalf. Services for burgesses.

It is ordered by the steward and burgesses of this town of Manchester, to be kept and observed as a law in the same town and within the precinct thereof, that no persons &c. dwelling within the same town or the precinct thereof, after this present Sunday, being the third day of November, shall pay at any wedding-dinner whereunto they shall be repaired, above 4^{d}; upon pain to every one that shall pay above, $6^{s}\ 8^{d}$ to be forfeited to the lord of the town, and he or she that . . . . . [The entry is left unfinished.][3] Wedding dinners. Payments.

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out of premises belonging to this chantry a chief rent of 3*s.* from burgages in Milnegate, and 2*s.* from burgages in Deansgate was due to the lord la Warre. (*Lancashire Chantries*, p. 45.)

[3] This is the first of a numerous series of orders against paying more than 4*d.*, afterwards raised to 6*d.*, "the *poll*" or head, at "Weddings or Ales." Two classes of wedding-feast are here named. First, the "Bride-Ale," called also Bride-bush, Bride-stake, Bidding and Bride-wain; all derived from an old custom of the bride's selling ale on the wedding-day, for which she received, by way of contribution, whatever handsome price the friends assembled on the occasion chose to pay for it. It had the names of "bush" and "stake," from a bush at the end of a stake being an ancient badge or sign of a country ale-house; that of "bidding" from the bride and bridegroom bidding or inviting the guests; and "wain" (a Cumberland name) from the new-married couple collecting contributions from their friends with a cart and horse, or *wain*. The wedding or wedding-dinner was a feast provided by the new-married couple; but towards which every guest contributed according to his means or inclination. Similar customs prevailed in Wales and Scotland, where they were called "penny weddings." Both these classes of entertainment led to great excess in

Court held Thursday, 6th April, 6 Elizabeth (1564), *before* EDWARD EARL OF DERBY, *Steward.*

[Another hiatus occurs here between leaves 47 and 48 of the MS. volume.]

A barn licensed.

Also John Gregory, the lord's officer [*i.e.* deputy steward], and all the burgess[es] hereafter named, hath consented and given license unto George Traves, that he or his heirs &c. shall and may at any time from henceforth build and set one barn of two bays, five foot from his ditch there upon the waste, and so to continue for ever; forseeing always that the said George and his heirs shall

eating and drinking and to wasteful expenditure; and hence efforts were made by the local authorities to restrain the cost to the guests. In the *Christen State of Matrimony* (8vo, London 1543, fol. 486) we read: "When they come home from the church, then beginneth excess of eating and drinking; and as much is wasted in one day as were sufficient for the two new-married folks half a year to live upon." From the court-rolls of Hales Owen, co. Salop, 15 Elizabeth (1573), we take the following entry: "*Custom of Bride-Ale.* Item, a pain [penalty] is made that no person that shall brew any wedding-ale to sell, shall not brew above twelve strike [bushels] of malt at the most, and that the said persons so married shall not have above eight messe of [four] persons at his dinner, within the borough," &c. At Great Yeldham, in Essex, "a house near the church was anciently used and appropriated for dressing a dinner for poor folks when married, and had all utensils and fire convenient for that purpose;" and in Manchester there were such public houses, in or adjoining the Old Church yard, where these entertainments were held, as the Ring o' Bells, the Blackamoor's Head, &c., in later days. It is obvious that one tendency of these subscription feasts would be to induce poor persons to rush into marriage imprudently, and without provision for the future. In this entry the phrase "in the same town or the *precinct* thereof" occurs twice. In some places we read of the "precinct of the Court Leet or law-day;" in others of the "precinct of the office of constables;" and it is not easy now to define the limits of these several precincts. The precinct of the town was probably the same as its liberty or franchise, and its limits may be roughly indicated as included within mid-stream of the river Irwell from Aldport to Strangeways, then within mid-stream of the Irk to Alcrington, thence by Blakeley to the Bradley brook, dividing Clayton from Oldham, thence within mid-stream of the Tame to its confluence with the Mersey, and within mid-stream of the Mersey, and so by Stretford brook and Cornbrook to the Irwell at Aldport. The boundaries will be found fully set forth in the survey of 1320, the extent of 1322, and in remarks thereon. (*Mamecestre*, pp. 303, 380, and 422-30.)

make a sufficient concourse for the water there, so that it be not noysome to the highway there, 2d to the lord of this manor.

Court held 3rd October, 6 Elizabeth (1564), *before* EDWARD EARL OF DERBY, *Steward.*

[There were appointed at this Court Leet four market-lookers for corn, two for fish and flesh, two mise-layers, two mise-gatherers, two sealers of leather, two market-lookers for Market Stead Lane, four for white meat, two ale-conners, two *birlamen* for Deansgate, two for Hanging Ditch and Withengreve, two for Mylnegate, three scavengers for Deansgate, two for the old Market Stead and St. Mary's Gate, two for the Market Stead Lane, two for the Booths and so forth unto Salford Bridge, three for the Fennel Street and Hunt's Bank, and unto the Schole House end [in Mylnegate], three for the rest of the Mylnegate, two for Hanging Ditch and Mealgate, and five affeerators for this court.] Manor officers.

[The remainder of the entries of this court are wanting.]

Court &c. of LORD LA WARR, *held 18th April, 8 Elizabeth* (1566).

Whereas by an entry concerning weddings, no man should pay, nor any other person, above 4d a *polle* [a poll or head] upon pain of such amercements as in the same order is appointed, and the jury present John Smith to have ..... of Thomas Diconsonne, contrary unto the said order; therefore ... [? the jury order] ... both of them to pay according to the same order 20s. Joan Edge widow hath [done] contrariwise to the said order, and also John Cooppe, for that he hath paid unto the said Joan, contrary to the said order; therefore we do amerce either of them, according to the said order, in 30s a-piece. Weddings and ales.

Thomas Waylot hath made a marl-pit upon the lord's waste, Unfenced marl-pit.

parcel of our common, and also hath encroached upon the same, &c. Ordered that he shall not only so keep the same as of old time it hath been accustomed, but also he shall make a sufficient pale or hedge, so that all men may pass by the same pit with horse or cart, without danger, 20^{s}.

Barn encroachment.

Thomas Wyllat hath set a barn upon the lands of Roger Kenyon, at the further side from the first twelve inches, notwithstanding the said Thomas hath left at the end towards the first seven inches (the way the barn and the house that Edward Water dwelleth in) . . . . . [The rest worn away.]

Painting before Whitsuntide.

All that have any signs within this town shall paint them, that men may know where and what they be, afore Whitsonday next, 3^{s} 4^{d}.

Newton lane.

Robert Marler to make a sufficient course at the end of his fold, so that the water that cometh down Newton Lane may pass, 3^{s} 4^{d}.

Gillat. Shudehill.

Henry Gillat departed, and Ellen Gillat is his daughter and heir for one parcel of lands lying at the Sude Hill, for the which is paid 8^{d} by year unto the lord. The said Ellen is about sixteen years of age.

Billmen &c. at fairs.

All burgesses within the town &c. shall find every of them an able man well furnished for that purpose with byll, *hobarde* [halberd] or other weapon, to wait upon the steward upon the fair-day, and this to continue from time to time. [A penalty of 12^{d} for default has been erased.][4]

[4] This is the first entry we have found of the organising of a sort of body-guard for the steward during his official perambulation of the fairs, in imitation of the sheriff's javelin-men in attendance on the judges at assizes. Every burgess was to provide one man, probably in the lord's livery, and armed with a bill or halberd. This bill was a sort of double battle-axe; when affixed to a long staff, as usual for foot soldiers and watchmen, it was called an *alle-barde*, or cleave-all. The old halberds of the feudal days of Manchester are still preserved somewhere in the town hall, and, even till the sale of the manor to the corporation, they were borne by the four beadles before the boroughreeve and constables, in procession to church or on great occasions. [For a representation of the bill or halberd see plate vi. figures 2 and 4, in the *Lancashire Lieutenancy*.]

Court held 2nd October, 8 *Elizabeth* (1566).

Catchpoll, Richard Galley [succeeding William Reade, who held the office for some years. At the end of the list of manorial officers appointed at this leet is the following:]

Note, That if *auther* [either, any] of these persons do not do their duty, they or either of them to be put forth, and other to be elect and put in by these persons, viz. George Traves, Edward Hanson, George Proudluff, Robert Marler. Offending officers.

Whereas Thomas Marler hath made a marl-pit upon the lord's waste, and also hath encroached upon the same &c., he shall *ley furthe* [lay forth] and fill up the said pit and encroachment, and so keep the same that it may be occupied as of old time hath been accustomed, 3^{li} 6^{s} 8^{d}.

George Wirrall shall convey and take away all his timber that lyeth after [aft] the Church-yard side, betwixt the gate and Hunt's Bank, 10^{s}. [The like as to John Davis, his timber in the Deansgate.] All men that hath any timber, blocks and stocks, lying abroad within the town, in the streets, shall take the same away forth of the way and street, 5^{s}. Timber. Hunt's bank.

All men within the town &c. shall pave afore their houses, wherever they dwell, afore the feast of All Saints [November 1] next; and no man shall suffer any such breach of the pavement hereafter afore their dwelling-houses, the space of one month after such breach, 12^{d}. Householders to pave.

The jury order that no person hereafter shall break the order afore devised and made concerning weddings and ales.

All persons keeping any bakehouse within the town shall not lay any gorse or *kiddes* [small brush faggots] within two bays of the ovens, where they have any oven or bakehouse, 20^{s}.[5] Bakers' gorse or kid-stacks.

[5] This order, though often broken, was a very necessary one in times when most of the houses in Manchester were built of timber, wattle and *daub*. Several fires were the result of the practice of piling up huge heaps of faggots and brushwood, gorse and furze, near the bakers' ovens; and it was not till the money penalty was made a very heavy one, that the dangerous practice was put down.

Orchards and gardens. Deansgate.

John Glover [probably the clerk of the court] hath purchased of Thomas Tetlowe two burgages, two orchards and two gardens in the Deansgate afore this time, in fee farm for ever; and hath also purchased the rents or fee farm, to him and to his heirs for ever; paying to the lord of this manor 6d in fee for ever; as by lawful conveyance or writing thereof, bearing date the 30th September, 8th Elizabeth and A.D. 1566, more at large it may and will appear. [A similar entry as to John Davis of like premises, bought of Thomas Tetlowe; paying 6d yearly chief to the lord.]

Stray cattle to the pound.

The jury order that every burgess and burgess-tenant shall from henceforth impound such cattle as have trespassed, in the lord's [pin-]fold, there to remain until the owners of the cattle have made amends for the trespass; upon which amends made, the cattle to have free passage without any exaction or payment to any officer; and that no person afore remembered shall hereafter pay any poundage or sum to any officer, nor any other such named.[6]

Burgesses leaving court.

Whereas we have considered that divers of our neighbour burgesses of the town, having lawful business, being also freed from the great leet, and notwithstanding have been amerced; — we order from henceforth that if the quest do take, and the lord be served, that then the said burgesses or persons having lawful business or convenient excuse, not to be amerced for that time, any order heretofore devised, ordained, or made to the contrary notwithstanding.[7]

[6] A common pound or pinfold belongs to a township, lordship or village, and ought to be in every parish, kept in repair by them who have used to do it time out of mind. The *pound overt*, or open pound, is usually built on the lord's waste, being provided for the use of himself and his tenants, and it is also called "the lord's pound," or the common pound, and has a back-side or yard, &c., whereto the owner of beasts impounded may come to give them meat. If cattle are kept in a *common* pound no notice is necessary to the owners to feed them, if they are put into any other *open* place notice is to be given, but if in a pound *close*, as a part of the distrainer's house, the impounder must feed them at his peril. (*Coke Litt.* p. 47.)

[7] The meaning of this is, that by ancient custom not only were the burgesses required to attend and do suit of court at the Leets, but they were not to depart thence without license. This order permits their departure as soon as the jury has been impannelled, without risk of amercement.

All manner of weights within the town shall be made lawful according to the statutes, &c., and that the same weights be provided and made in brass, and sealed with the town seal; and that weights being made truly and justly, all others to be made after the same rate, viz. six score pounds to the hundred; and these to be done by the consent of all the burgesses.[8] Standard weights. Town seal.

The jury order that every *corviser* [currier] within this town shall keep the statute concerning the currying of leather, under the penalty in that statute.[9] Curriers.

[8] The standard of weights was originally taken from corns of wheat, whence the lowest denomination of weights, which is still called a *grain*; thirty-two of which are directed by the statute called "compositio mensarum" (51 Edw. III. 1377), to compose a penny-weight, whereof twenty make an ounce, twelve ounces a pound (of troy weight); eight pounds troy shall make a gallon, and eight gallons a bushel, which is the eighth part of a quarter. Upon these principles the first standards were made; and in a parliament of Richard I., held at Westminster in 1197, it was ordained that there should be only one weight and one measure throughout the kingdom, and that the custody of the assise or standard of weights and measures should be committed to certain persons in every city and borough. (*Hoveden* and *Matt. Paris.*) This is an attempt to procure good standard weights of brass, by which to adjust all others in use in the town. By two statutes (11 Henr. VII. cap. 4, and 12 Henr. VII. cap. 5, 1496-97) it was enacted that there should be carried into every city, borough and market town named [Lancaster being the only place named in this county] one of every weight and measure which the said king caused to be made of brass, according to his standard of his exchequer, there to remain for ever in the keeping of the head officer of the said city, &c., as the king's standard of weight and measure, and that the inhabitants of all cities, &c. should cause to be made, to remain with them, common measures and weights according to the same [standards], and that they [the common weights] should be viewed, examined, printed, and signed and marked by the head officer in whose possession the said standard should remain. This officer might take for the marking and sealing of every bushel one penny, of every other measure a halfpenny, of every hundredweight one penny, of every half-cwt a halfpenny, and of every weight under, a farthing. Two facts are shown by the order in the text, that the hundredweight then in use in Manchester was what is called the "long hundred," or a hundred and twenty pounds, and that there was then in use a town seal in Manchester. Whether this was the same as that used by the manorial officers called sealers of leather (which was a leaden seal) does not appear. But we have seen no impression from the old town seal, and fear that none exists.

[9] Leather was a favourite subject of legislation in every process of its preparation and from every variety of skin. Killing the animal, tanning its skin, currying, and boot and shoe making are all imperatively required to be done in certain ways, and to

Swine night and day.

Every person within this town shall keep their swine in the night-time in some lawful swine-cote, so that in no wise the same swine do not go abroad in the night, or lie in the Church-yard at any time hereafter, 4d. And every person having swine, shall keep them until the swine-herd take the same in the morning and so to keep them till the evening for [? from] going in the street or abroad, 4d.

be subjected to the approval of the royal or local officers, and without their stamping or sealing it was not to be sold or wrought up. The great leather statute was the 1st Jac. 1., cap. 22 (1603), a very long act. Passing over the penalties on butchers and on tanners (who were prohibited from being also curriers), we come to the enactments as to curriers: — No person shall curry any kind of leather in the house of any shoemaker or other person, but only in his own house, situate in a corporate or market town; nor shall curry any leather except it be well and perfectly tanned; nor any hide or skin, being not thoroughly dry, after his wet season; in which wet season he shall not use any stale, urine, or any other deceitful or subtle mixture, thing, way or means to corrupt or hurt the same. Nor shall curry any leather meet for utter [outer] sole leather, with any other stuff than with hard tallow, nor of any less of that than the leather will receive; nor shall curry any kind of leather meet for over leather and inner soles but with good and sufficient stuff, being fresh and not salt, and thoroughly liquored till it can receive no more; nor shall burn or scald any hide or leather in the currying; nor shall have any leather too thin; nor shall gash or hurt any leather in the shaving, or by any other means; but shall work the same sufficiently in all points and respects, upon pain of forfeiture for every such offence or act (other than gashing or hurting in shaving), 6*s.* 8*d.*, and the value of every skin or hide marred by his evil workmanship; and for every offence in gashing, &c., double so much to the party grieved as the leather shall be impaired thereby, by the judgment of the wardens of the curriers and the warden of the county whereof the party grieved shall be. No person shall occupy [*i.e.* use] or put in any made wares, in or near London, before the same shall be searched and allowed by the wardens of the curriers of London, and be sealed with a seal therefore to be prepared, upon pain that every shoemaker, artificer, or cutter of leather shall forfeit for every hide, &c. 6*s.* 8*d.*, and the value of every such hide, &c. No person occupying the feat or mystery of a currier shall use that of a tanner, cordwainer, shoemaker, butcher or other artificer, using cutting of leather, 6*s.* 8*d.* for every hide he shall curry during such occupation, &c. No currier shall refuse to curry any leather brought to him for that purpose by any cutter of leather or his servant, bringing with him good and sufficient stuff for the perfect liquoring of the same leather. And the said leather, in presence of the bringer, shall be liquored and curried in all things and degrees perfectly; if they will not be present, then in their absence, with as convenient speed as may be, not exceeding eight days in summer, and sixteen days in winter, forfeiture 10*s.*

[We have, after the first specimen or two, greatly abridged the form of almost all the varieties of entries made in the old Court Leet Records; and in order that the reader may see what he *loses* by this abridgement, we print one entry entire:]

"Also whereas it is ordered before this time that upon informa- Dropping eaves.
tion given, that George Holand gent. should from time to time, upon his own proper costs and charges, make such provision and shift, that the drops issuing and descending from a burgage or house of him the said George, now situate, standing and being in Manchester, in a street there commonly called Hanging Ditch, into a gutter, betwixt the burgage of the said George and Richard Galley of Manchester, so that the same should not be prejudicial or hurtful to the burgage of the said Richard, nor to any part or parcel thereof in any manner, *sub pena* in the same order remembered; — notwithstanding the said Richard Galley, upon divers good, reasonable causes and considerations, him thereunto especially moving and also knowledging and considering that of right the said drops coming and descending, and hereafter to come and descend, from the said burgage of the said George Holand into the gutter there, ow [ought] to have the concourse there accordingly,— he the said Richard, afore us and in our presence, doth covenant and grant for him and his heirs, and also doth bind him, his heirs and assignees, from time to time, at all time and times hereafter, upon his or their own proper costs and charges to defend the said drops issuing down from the said burgage, by reason of the said drops of water upon the house or burgage of the said Richard Galley, or any part or parcel thereof, and keep harmless the said George Holand and his heirs and assigns anendst and against the said order and pain therein contained; and for the more credit to be given herein, as well the said Richard Galley as the jury then empannelled at the great leet holden at Manchester in the county of Lancaster, have subscribed their names in their own hands the second day of October in the eighth year of our sovereign lady Elizabeth, by the grace of God Queen of England, France and

Ireland, defender of the faith &c. *Teste.* John Glover, clerk of the same."

[All these words about water dropping into a gutter!]

Court held Thursday, 3rd April, 9 Elizabeth (1567).

Trafford. Edmund Traford Knt. is deceased, and Edmund Traford his son Esq. is his heir, and owe suit and service &c.

Gerard. Names of fields, &c. The jury find that Gilbert Gerrarde Esq. ought and must pay unto the lord for *Gladen Fildes* [? Claydon Fields], Alkchurden Fields, for *and hole* [a whole] year's rent.

Leigh. Thomas Leighe Esq. must pay for the lands and tenements in Chorlton, parcel of the demeyne of the Garett aforesaid, for one whole year's rent, 6s. The same Thomas for one half of certain burgages in the Milnegate, parcel of the said Garret land, 9d.

Nowell. Thomas Nowell Esq. for the whole year's rent of that moiety of the *Yatte Coutes Feldes* [? Gate-cotes Fields] in the tenure of Francis Pendilton, the parcel of the said demeyne lands, 12d. The same, for the other half of the said burgages in the Milnegate, parcel of the said lands, 9d.

Willat. Thomas Willat, for the Dodge [? Dogge] Meadows, 2s; and the one half of the Gatley Cout Feldes, for one year's rent, 12d.

Ancient chief rent. Whereas we have seen and perused certain ancient evidence of record touching the lands above remembered, by reason whereof we think that the chief rent abovesaid owe [ought] to be paid as is aforesaid, according to the said ancient evidence and record, unless any man afore the next court can and will shew any evidence to the contrary.[10]

[10] For the varying etymology, probable meaning and site of Clayden fields, Gatecote fields and Dog meadow, see the *Glossarial Gazetteer*, at the end of *Mamecestre*, vol. iii. In 1473 all these places were in the tenure of Henry, son and heir of Thomas Trafford, paying for the Gate-cote field 2s., and for the Clayden field and the Dog field 4s. yearly. (*Ibid.* p. 499.) In 1577 the rent of the Gate-cote field

Whereas contrary suit and variance hath been had, moved and stirred betwixt William Radclyffe of Manchester gentleman, and Jone late wife of Thomas Jacsonne deceased, of, for and concerning one dunghill lying in the Market Stead Lane, and both parties of their own accord hath put it unto the order of the jury by mutual consent; — the said jury doth order that Jone Jacsonne shall make a causeway with a channel down the midst, three foot broad, all along the house of the aforesaid William unto the said further end of the oven-house, and so to keep the said channel clean &c. If Jone do not accomplish this order, then the jury doth order that the said William shall have the sum of his whole action, against her commenced. Dunghill. Market-street.

Court held Wednesday, 1st October, 9 Elizabeth (1567), *before* EDWARD EARL OF DERBY, *Steward.*

[In addition to the usual manorial officers are named "the swine-herd" and "the overseer for fruit."] A swineherd.

Sir John Byron Knt. deceased since, and John Biron Esq. is his son and heir &c. Byron.

The jury order that all the juries from henceforth empannelled in the court within this manor shall from time to time, upon their presentment, bring in costs and damages lawfully demanded of the party proved, whether it be the party defendant, fined in default, or the party plaintiff, upon wrongful demand of any debt claimed against the defendant, according to the laudable custom and laws of this realm. Costs and damages.

Whereas divers *dighers* [dressers] of leather have *dight* [dressed] the same near unto the well and washing-place lying near the wheat-milne, no one shall henceforth do any such like work there, 3s 4d.[11] Nuisance. Leather dressing.

remained the same, while that of Clayden field is not stated, and that of Dog field was 2s.

[11] The wet-dressing of leather was a part of the currier's work. The place indicated would seem to be in the river Irk, near the wheat mill, a little off Long Millgate.

Butchers' flesh-boards.

Whereas divers butchers, having standings and flesh-boards in the market-place, do not occupy the same accordingly as others do, to the commonwealth of the market, — it is ordered that all such persons as have any such and do not occupy the same, shall from henceforth occupy the said boards according to their occupations, every month once at least; or else the same place or standing to be appointed, at the discretion of the boroughreeve, to such other as shall or will occupy the same accordingly.[12]

No manner of persons &c. shall not hereafter in any wise presume to break the order afore devised and made concerning weddings and ales.

Butchers' stalls. "A law for ever."

No butcher's standing shall be set beneath the board or room that Ralph Cole now standeth on or occupieth, neither beneath the board or room that John Wood now occupieth; but that all the way beneath their boards shall be open, that men may pass to and fro with cart and carriage; and this to stand as *a law for ever*.

The swineherd's horn.

Whereas divers have used heretofore to put forth their swine in the morning before the swineherd do come, we order that from henceforth no man shall put forth their swine before the time that the swineherd do blow his horn in the street aneudst the place where they dwell, 12^{d}. Also the swineherd shall blow his horn every morning, 12^{d}.[13]

The waitts.

The jury is concluded and agreed, by the consent of the inhabitants of Manchester that Randill Lighe and Richard Wirrall

[12] This seems directed against some of the butchers, who, deserting the stalls and fleshboards provided for them in a particular part of the market-place, set their meat to sale elsewhere, probably outside and beyond the market-place; and the jury propose that those who do not occupy their proper standings once a month shall lose them altogether, and this would probably involve the loss of the right to stand anywhere with meat for sale.

[13] Here we have incidentally a picture of the town swine-herd, traversing the streets at eight or nine o'clock in the morning, blowing his horn to summon the owners of swine to drive them out of their swine-cotes and back-yards into the herd which he is collecting, and when all are gathered we may imagine him traversing the Ashley lane, till he lands his porcine charge on the common of Collyhurst, there to pasture till nightfall.

shall be *wettes* of our town of Manchester; that they from time to time do their duties in playing morning and evening together, according as others have been heretofore accustomed to do. And if the said *waytes* do not their duties in the premises, then it is agreed by the like consent that Maister Steward [the Earl of Derby], Robert Langley younger, Thomas Willat, George Pendilton, Robert Marler and John Hamiltone shall at all time or times, upon their misdemeanour, put forth either of them so offending, and place other in their rooms, according to their discretions; and that they [the *waytes*] do not absent themselves without license of the steward and twenty of the persons at the least, at no time, sub pena of the forfeiting of their said office.[14]

Court held Thursday, 22nd April, 10 Elizabeth (1568), *before* JOHN GREGORY, *Under-Steward* [*Sub-Senesschallus*] *of the same.*

Whosoever hath any timber lying after the Churchyard wall, shall take the same away, and no man shall from henceforth lay any timber there, 10s. Timber. Church-yard wall.

Whereas there is a hollow place near unto the Cundithe [*conduit*] upon the east side, ordered that William Radclyffe gentleman shall make a third part thereof, and that Mistress Becke or the heir of Robert Becke shall make the rest, that is to say two parts; and so to keep the same sufficient from time to time, betwixt this and Michaelmas next, 5s. The conduit. A hollow.

[14] The solitary waitt or minstrel appointed in September 1562, whose name was Richard Kyrshaw, (see p. 98 *ante*,) is now superseded by a couple, and they are required to do their duties in playing together, so that the town minstrelsy should no longer be mere melody but harmony. For their regulation and government they have placed over them no less a person than the earl of Derby, and five of the chief burgesses, who may dismiss either or both for misconduct; and they are prohibited absenting themselves without license from their overseers. This was probably to prevent their making irregular circuits in the country for their own pecuniary benefit.

Tyll hill, Collyhurst.

Whereas Ralph Pendilton, upon good considerations, had granted to him a parcel of Collyhurst commonly called Tyll Hill, to build an house upon, and not to inclose any further than first was appointed; for that the said Ralph, as is supposed, hath further encroached than he ought to have done, and if it shall so prove, that then the said Ralph shall lay forth the same unto the Common before the feast of Pentecost, 20s.[15]

Nuisances in gardens, &c.

Whereas there be noisome displeasures, as privies, dunghills and swine-cotes, placed and set in gardens and other places, to the displeasure of neighbours and passers-by and contrary to the order before taken; all having such are ordered to use them so as they shall not be noisome or hurtful to the neighbours or passers-by, 10s.

Swine to Collyhurst, 4d. a quarter.

Whereas good order heretofore hath been taken concerning swine &c., it is now agreed that all those that have any swine shall suffer the same to be conveyed to Collyhurst by the swine-herd, paying for every swine a penny a quarter [of a year]; or else to keep them up on their back sides or [in] cotes, so that they do not come into the street, 5s. [Thirteen burgesses, "gentlemen" and others, are appointed "to see that these orders shall be observed and kept."]

Nuisance from lime pits.

Richard Morton, *alias* Pointer, shall not only stay the *wayter* that cometh from his lime-pits, but also *ortings* and *floshings* of his flues [*orts*, fragments, leavings, — the soot and ashes from his flues], and also the *drenche* matters, that they come not into the ditch, 10s.

Ungrounded presentment.

Whereas James Chourton hath built a house in the Mylnegate, and complaint [is] made by Richard Platt that it was set further forth than of right it ought to be; — we the jury, perusing the same, can find no fault in the standing of the said house.

No person &c. shall not presume in any wise hereafter to break the order afore devised and made concerning weddings and ales, 10s.

[15] Tyll hill is no longer known.

Court held 16th October, 10 Elizabeth (1568).

[In addition to the usual manorial officers at this court were elected "officers for the assize and wholesome making of bread."] Officers for bread.

Whereas by an order aforemade, neither horse, mare nor gelding shall be tied in any place in the market, to have any meat given them by any man, the jury confirm the order, 4d, according to the order aforesaid.

The order for keeping clean of the Market-place about the Cundethe. — Whereas about the conduit in the Market-place stand coopers and occupiers of woodware, and such as sell apples, we order that they and every of them shall pay to the officers that maketh clean the same place every quarter one penny; and every pannier of apples or such like fruits, two to be given to the maker-clean of the same place. Conduit in the market-place.

All those that shall bring any fish into the Smithy-door to be sold, shall set their boards to have their fish upon over the channel, unless [four officers] do see other causes whereby it should not so be; and they to appoint them how to set their boards.[16] Fish dealers. Smithy Door.

William Holland Esq. was found tenant in 8th Elizabeth [1566] and hath not come in since that time to do his suit according to the custom of the manor. *Ideo misericordia.* (Therefore he is in mercy, or subject to amercement.) 12d. And further we order that the said William shall appear and do his suit at the next court day, 6s 8d. Holland.

The jury doth affirm that divers orders heretofore made concerning weddings and ales should be and continue in force and effect, according as well to the effect of the letters of the Right Hon. [Edward] the Earl of Derby, as also by the consent aforesaid; and for the accomplishment of the premises we ordain [four burgesses] officers of the same, to see the said order to be performed and to present the offenders. Weddings and ales.

[16] This shows that Smithy Door was the fish-market of Manchester in 1568.

LORD DERBY'S LETTERS.

"Welbylovd, wheras in p'formason and fit establishment of a commendable order made in my lord la ware his corte at Manchester, that no person in Manchester should make any weddyng dynner theare, to take any more money then iiij^{d} for eny polle [head] for their dynners, — I did write my letters unto you, which albeit was observed for a tyme, now I persave *eywill* [evil] is *honle* [? holden] thereunto, nor reformason on your behalf by punyshment by fyne or otherwise, wherof I do m'vell [marvel]. Wherfore these are to syngnyfie to you my pleysour is that considerying it is to be observed for the common wethe good rule and quietnes off the inhabytantes that ye shall have an ernest regard to the observac'on and estimac'on therof, as ye will haue my favour and not go to fforphe [forth] in onywyse. ffrom New p'ke[17] my howse the iiijth off November 1567. Your lovyng

EDWARD DERBY."

"Welbeloved where[as] youe be chosyn and appoynted ffearers [affearors] of the lordes corte at Manchester, and therupon sworne to procede in the laying of the fynes and mercymentes theare presented. fforasmoche as I understand the aff'ying [affeering] of the same hath been delayed A long tyme by youe, to the prejudice of the Lord, w'ch I understand youe do by cause youe wold degresse from the order of corte tutching [touching] prices of dynners at marriages, w'ch the inhabytantes, as I understand, were grete suters unto me to have establysshed for the common welthe of the towne, wherfore Theese are to wille and commande youe that, all excuses set on parte, youe, iij or ij of youe at the leyst in the absense of the reste, shall, upon the recept hereof, provide with effect unto the restoring of the saides fynes and mercymentes, and not

[17] New Park was the residence of the earls of Derby at Alport Town, Manchester; the park is said to have comprised one hundred acres. The fly leaf of this letter is gone, and with it most probably the superscription.

to ffayle in any wyse. So fare youe welle; from Lathom, the xixth of June, 1572. Yo'r loving ffrend

EDWARD DERBY."

"To my welbelovyd Richard hunte, ffrancis pendelton, Robart marler, and george Proudlove, give those." [18]

[We resume our extracts from the entries of the same court of 16th October 1568:]

No person &c. shall from henceforth lay cast or taye [or laye] any carren [take or lay any carrion] or any other thing which shall be noisome or hurtful unto the water of Irk, or unto any neighbours or any other persons having occasion to occupy the same, 3^s 4^d. [Three officers appointed to carry out this order.] Filth into the Irk.

It is agreed by the jury that a day shall be appointed for the mending of the conduit, that is, the 20th of October, and there to meet about the same, and John Gee and George Pendelton [to declare] whom they think hath any money or lands for the same. Conduit to be repaired.

The jury confirm and allow the order before made concerning Steward's halberdiers, fairs.

[18] The originals of the letters above referred to are stitched at the top to some loose leaves in this Court Book. Both letters are signed "Edwd Derby," the third earl of Derby being at that period steward of the manor and court leet &c. of the lord de la Warre. The second letter in position, but the earlier in date (having been written in November 1567, the other letter being dated July 1572, nearly five years afterwards) forms leaf 30 of the book, as paged by some modern hand. It is in a pale yellowish-brown ink, occupying sixteen lines of a quarter of a sheet of coarse (laid foolscap) writing paper, the lower half of the leaf being gone, leaving only the upper part of the signature visible. The writing is exceedingly rude and bad, and very difficult to decipher. The other letter, of July 1572, is in a darker ink, in a more legible hand, and bears every mark of being genuine. It is the remainder of a whole sheet of foolscap, the lower third of each leaf having been worn off at the folding, and in the blank portion of the first leaf the old water-mark of a flower vase holding flowers is quite distinct. The letter is written on the first page of the sheet, in fourteen close, crowded lines, apparently by the hand of some scribe, for the autograph signature at the foot is in a different hand and in blacker ink. On the fourth page, the outside of an ordinary letter, is the superscription in four close and crowded lines, occupying the whole breadth of the outside, when folded up. On the outer edges of the paper, a little below the superscription, are traces of a roundish seal impression, in a reddish wax.

the burgesses to wait upon the steward, upon the fair days holden in Manchester.

Town watch. Jack, salad and bill.

The jury order that from henceforth every person being appointed to watch shall bring with him a *Jacke*, a *Sallet* and a *Bill* at the least. And that the constables for the time being shall admit none, except they be so provided, 6s 8d.[19]

The constables from henceforth shall take sufficient securities of the foreign offenders or strangers that make brawls or offend: or else the constables to answer the same.

Court held 4th April, 11 Elizabeth, 1569, before JOHN GREGORY, *Gentleman, Under-Steward,* EDWARD EARL OF DERBY *being Chief Steward* [*capitalis seneschallo*] *of the same.*

The jury find that the amount pending in the action or plaint between Thomas Willot and Francis Pendelton is 13s 6d.

Lands in Deansgate.

Richard Shalcross hath brought in his evidence concerning certain lands in Deansgate, containing two acres, and three cottages, now in the occupation of his mother, Mrs. Marler and John Glover, and shall do suit therefore due and accustomed, to the lord of the fee; which land and cottages he bought of James Shalcross brother of the foresaid Richard.

Holland.

William Holland of Clifton Esq. hath made default as concerning non-appearance; wherefore the jury order that he shall come at the next court to do his suit and service due and accustomed to the lord of the soil, 13s 4d.

Officers for weddings &c.

Whereas certain officers were appointed at the last court to look to the orders heretofore made concerning weddings and ales, — we order that the same officers shall be sworn to do their duties in the presentment of the defaults, and the same order to stand in effect,

[19] The *jacke* or *jacque* was a leathern or buff jacket. The *sallet* or *salade* was an iron skull-cap. The *bill* is described in note 4, p. 102 *ante*.

according to the commandment of the Right Hon. the Earl of Derby.

The jury doth request Mr. Steward, for and in the name of the lord, to make a pair of stocks and butts for the inhabitants of the town with speed convenient.[20] Stocks and butts.

Also the inhabitants doth request to have one quartern weight of brass, and the weight to be 30lb., and also one weight of 15lb., for to try all other weights, that they be just and true. Standard weights.

The jury doth give their consents to the *weyteship* to Randall Lyghe, wholly with one other to serve with five of his own servants, upon condition that the town be well served; and we would desire Mr. Steward to do the same [*i.e.* consent] with the rest of the town. The waitt-ship.

All other orders afore made we allow and ratify, and the pain to

[20] The stocks (*cippus*) were (and in some villages and hamlets in rural districts still are) a wooden engine to put the legs of offenders in, for securing disorderly persons, and by way of punishment in divers cases ordained by statute, &c. It is said that every vill *within* the precinct of a *town* is indictable for not having a pair of stocks, and shall forfeit 5*l.* (*Kitchin*, p. 13.) — In Aston's *Metrical Records of Manchester* under the year 1812, he thus rhymes: —

> In the autumn this year was remov'd a disgrace
> Which for ages had stared this large town in the face:
> The Stooks and the Pillory were found in decay,
> And without a renewal, were carried away.*
> Since this time the rascals condemn'd to be whipt,
> Upon a cart's bottom have bellow'd and skipt;
> And those who've been framed with their heads set in wood,
> Have received in those carts their allowance of mud.

The *butts* were hillocks, banks or mounds of earth, sodded, like small haystacks in form, against which the marks were suspended. The places where archers assembled with bows and arrows to shoot at a mark thence took the name of butts.

* These proofs of the civilization of our ancestors were erected and stood for ages in the Old Market Place, at the east end of the Old Shambles, near to the Old Milligate. The stocks were placed almost immediately beneath the round table of the pillory. An anecdote is told of a droll fellow, a saddler, who, some years ago, when inebriety was more frequently punished than it is at present, having kicked up a disturbance in the streets, was put into the stocks. Whilst sitting in them, an acquaintance passing by, asked him what he was doing there? "Why, do you see," answered he, "I've got married to Miss Wood here, and that fellow there, (pointing to a man on the round table who was undergoing a flagellation by the hands of a beadle) is come to dance at my wedding."

be due according to the orders afore made. *Teste* John Glover clerk of the same court.

Court held 5th October, 11 *Elizabeth* (1569).

Bexwicke. The jury present Roger Bexwicke to be the lord's tenant for a certain piece of land in the Withingreave, whereon a barn is built of parcel; and payeth for the same 8^{s} by year, and is for the same to be burgess and do all other service as other burgesses do. [In another hand and ink is written below this entry]: This presentment is mistaken, for he was but tenant for years, which, his lease being expired, he suffered Symon Malone to take a lease, as will appear by the ———

Rug and collent. There shall not be any *rogg* or *collent* wet openly in the streets; but that the same be done other [either] in his or their houses or back sides, 3^{s} 4^{d} [three] officers appointed for the same; all the rest of the jury having like authority to present.[21]

[21] There was a coarse woollen cloth made in Manchester and the neighbourhood called "rugs," which is thus noticed in statutes of the time. By the 5th Edw. VI. cap. 6 (1551) "all cloths called *Manchester rugs*, or Manchester friezes, which shall be fully wrought to the sale, shall contain in length thirty-six yards, in breadth three quarters of a yard coming out of the water, and shall not be stretched on the tenter or otherwise above a nail, of a yard in breadth, and being so fully wrought and well dried, shall weigh every piece 48lb. at the least. By 4 and 5 Phil. and Mary, cap. 5 (1558) Manchester rugs or friezes may be divided into two half-pieces, of the same breadth and weight as above. By 8 Eliz. cap. 12 (1566) every piece of Lancashire friezes or rugs, being thicked and fully dried, shall weigh 43lb. at the least, and shall contain in length betwixt thirty-five and thirty-seven yards, and shall contain in breadth at the most three quarters of a yard, or within one nail of three quarters of a yard at the least, and not to be strained upon the tenters above one nail in breadth &c. If any of the said friezes or rugs shall be of any greater length, then every yard so exceeding shall weigh after such rate as aforesaid, forfeiture for every yard not so weighing 12*d.* — Rugs differed from friezes; for in the inventory of the goods of Elizabeth Gouldsmith of Salford, widow, in September 1588, are two black rugs valued at 30*s.*, two black friezes 57*s.*, five broad and one narrow friezes at 28*s.* the piece, 8 guineas; two white rugs at 23*s.* the piece, 46*s.*; and one gray frieze 25*s.*,

Whereas divers of th'inhabitants of Manchester, not regarding divers godly and wholesome laws concerning keeping their swine &c., the jury now order that all those whose swine may be found abroad, contrary to the aforesaid orders, shall pay for every time so offending either by night or day 3^s 4^d. Swine abroad.

The jury affere [affirm] all other orders afore made, as well weddings as ales, we ratify and allow &c. Affeering orders.

All those which owe appearance at this court and have not appeared, if the said parties do not come in afore St. Luke's Day (October 18) next, and show a reasonable cause wherefore they were absent unto the feerers of this court which they will accept, to be amerced for the time the freeholders in 12^d, the burgesses in 6^d, the inhabitants 2^d. Absentees amerced.

The jury find that James Brooke hath taken of the lord a parcel of waste land in Manchester, in length 48 feet, in width 28 feet, paying therefor to the lord 6^d by the year.

The jury present Thomas Sidall, son of Richard Sidall, late of Withington, deceased, to be at lawful age, and to be sworn unto the lord and do his fealty accordingly, for certain lands in Moston &c., now or late in the holding of Francis Jacson. Syddall. Moston.

[Here follow some entries on loose leaves, p. 28 *et seq.* inserted here because at the end they have the signature of the clerk of the court with the year 1569. They commence with:]

Orders made by the authority of the Court. — First, the jury doth order that every person having lands, burgages or tenements within the town of Manchester shall pave and make sufficient the way or gate from time to time before their lands, burgages &c., that is to say, in the streets within the town, to the handle of him or them that dwelleth in the burgage or house for the time being; such to be made even, comely and fair, upon pain to every one so offending 5^s. The same to be done within such time as is ap- Court orders. Paving.

gray friezes at the shop and mill average about 24*s.* the piece, black friezes about 28*s* and broad black friezes 39*s.* the piece. — *Collent* we do not find. It may be a form of *Coil let*, Anglo-Norman, locks of wool.

pointed by the discretion of the scavengers within the circuit where such thing is delayed.

Foddering. Market Place. No manner persons shall tie or bait their horses or cattles in the market place upon the market day, otherwise than is prescribed in an order heretofore made, on the pain therein mentioned.

James Lancashire hath purchased one *weast* or tenement &c. to him and his heirs for ever, lying within the precinct of the town, of Richard Radclyff and Owen his son, for which he ought to be made burgess, and payeth by his evidence to the lord of this manor 8^{d} yearly with the service thereunto belonging.

Burgages bought. John Glover hath purchased of John Culcheth Esq. by th'hands of John Haughton, draper, one burgage &c. in Manchester in the Milnegate, now in the occupation of Robert Barlow &c. paying to the chief lord of the fee 4^{d}, with the service therefore due and accustomed.

Pale at the Booths end. Richard Hunt and William Radclyff hath not fulfilled an order made concerning the making of a pale at the Booths end. To do the same 5^{s}.

Sir Edward Holte and John Radclyff hath not performed an order concerning the mis-using of a gutter and *jakes* there at the Booths &c.

Jacson. A widow's gift. Thomas Jacson is deceased and Thomas Jacson is his son and heir, and at lawful age; and we do also record that Joan, late wife of Thomas Jacson deceased, did personally appear before the steward and us and other inhabitants there, and then and there did freely give unto the said Thomas Jacson her son all her burgages, lands and tenements &c., paying to the chief lord 12^{d} by year with the service &c. And thereupon he is made burgess and sworn unto the lord according to the custom. Provided and forseeing always that the said Thomas her son shall permit and suffer the said Joan to enjoy and occupy the premises &c. during her natural life.

Feasts. — Wedding dinners. Whereas there is an order provided, devised and made by the steward and burgesses with the consent, freewill and assent of all and every the *holl* [whole] inhabitants and town-dwellers of Man-

chester, that no person dwelling within the same town or the precinct thereof, shall make or cause to be made any private or general feast or wedding dinner to *leythe* [*gelathian* Anglo-Saxon to invite] or bid any person or persons, whatsoever they be, to the end or intent that they should pay or give for one person a poll [head] for the same dinner, above the value or sum of 4^{d} either privily or [openly] 10^{s}. And also another order, that no manner person dwelling within the said town &c. shall not *laythe*, require, move or bid any person to come to any ale, or drinking in assembly, nor to go themselves to any such, at the request or desire of others, 6^{s} 8^{d} for every time. Now we the jury, by the like consent and assent aforesaid do order that no manner persons &c. dwelling within the precinct or territory of the said town, shall not from henceforth make any wedding dinner or feast, whereat they shall in any wise, either privately or openly, take or receive above the value of 4^{d}. And also that no manner persons &c. being desired, bidden or *lathed* to any such feast or wedding dinner, shall not in any manner give or pay for the same dinner or feast, neither privately nor openly, above the value or sum of 4^{d}; 20^{s} for any time so offending. And that no persons shall not in any wise bid, require or *laythe* any manner persons to any ale, 6^{s} 8^{d} for every time. Provided and foreseeing always that he or they who shall or will prove the default shall have of the premises for every presentment 20^{d}. [In the margin and in another hand and different ink is written:] Provided always that this order shall not extend to ales for highways, bridges or churches.[22]

[22] We have already (note 3, p. 99 *ante*) explained the nature of wedding-dinners and bride-ales. As to the drinking assemblages, called "Ales," there were many varieties; the great feast of this nature being the Whitsun-ale or Church-ale. Carew in his *Survey of Cromwell* (p. 68) says, that "for the Church-ale two young men of the parish are yearly chosen by their last foregoers to be wardens, who, dividing the task, make collection among parishioners of whatsoever provision it pleaseth them voluntarily to bestow. This they employ in brewing, baking and other *acates*, against Whitsuntide; upon which holidays the neighbours meet at the church-house and there merrily feed on their own victuals, contributing some petty portion to the stock, which, by many smalls, groweth to a meetly greatness; for there is entertained

Way up the Ackers.

We order that the way up the Ackers, from the street or gate there, up the field &c. there shall be of such breadth and room betwixt the land now in the holding of George Proudlove and James Preston's, as it hath been heretofore used and occupied; or at the least such room as shall satisfy such persons as owe [ought]

a kind of emulation between these wardens, who, by his graciousness in gathering, and good husbandry in expending, can best advance the church's profit. . . . . When the feast is ended the wardens yield their account to the parishioners; and such money as exceedeth the disbursement is laid up in store, to defray any extraordinary charges arising in the parish, or imposed on them for the good of the country or the prince's service: neither of which commonly gripe so much, but that somewhat still remaineth to cover the purse's bottom." Aubrey in his *Wiltshire* (p. 32) says: "There were no rates for the poor in my grandfather's days; but for Kingston Saint Michael (no small parish) the Church-ale of Whitsuntide did the business. In every parish is (or was) a church-house, to which belonged spits, crocks, &c., utensils for dressing provision. Here the housekeepers met and were merry, and gave their charity. The young people were there too, and had dancing, bowling, shooting at butts, &c., the ancients sitting gravely by and looking on. All things were civil and without scandal." Though there were Leet-ales, Lamb-ales, Clerk-ales, Scot-ales, Give-ales, Midsummer-ales, &c., we do not find any account of ales for highways or bridges; but they were doubtless akin to those called for church purposes or the relief of the poor. Stubbs in his *Anatomy of Abuses* (1585, p. 95) thus describes "Church-ales": "In certain towns, where drunken Bacchus bears sway, against Christmas and Easter, Whit Sunday or some other time, the churchwardens of every parish, with the consent of the whole parish, provide half a score or twenty quarters of malt, whereof some they buy of the church stock, and some is given them of the parishioners themselves; every one conferring somewhat, according to his ability; which malt being made into very strong beer or ale, is set to sale either in the church or some other place assigned to the purpose. Then, when this is set abroach, well is he that can get the soonest to it, and spend the most at it. In this kind of practice they continue six weeks, a quarter of a year, yea, half a year together. . . . . That money, they say, is to repair their churches and chapels with, to buy books for service, cups for the celebration of the sacrament, surplices for Sir John [*i.e.* the priest], and such other necessaries. And they maintain other extraordinary charges in their parish besides." "At a vestry held at Brentford in 1621 several articles were agreed upon with regard to the management of the parish stock by the chapelwardens. The preamble stated that the inhabitants had for many years been accustomed to have meetings at Whitsuntide, in their church-house and other places there, in friendly manner to eat and drink together, and liberally to spend their moneys, to the end neighbourly society might be maintained, and also a common stock raised for the repairs of the church, maintaining of orphans, placing poor children in service, and defraying other charges."

of right to pass and repass there, with carriages or otherways; and also to leave sufficient way upon the part of George Proudlove and the barn of James Preston's.

Ralph Proudlove and his wife have and holdeth a burgage or *berrvic* at a place called the Suydehill and payeth therefore yearly to the lord 8d; but who is the right heir thereof we know not, notwithstanding we have commanded the said Ralph Proudlove to bring in a true heir at the next court or leet.[23] Burgage or Berewick. Shudehill.

Every person &c. that are made burgesses in this court shall as well present themselves as also pay for the diet of the twelve[24] for the time being the sum of 12d. *Teste* John Glover, 1569. Diet of the twelve.

[Here end the entries on the loose sheets. We resume those in the book in order of date.]

Court held 30th March, 12 Elizabeth (1570), *before* JOHN GREGORY, *Sub-Steward;* EDWARD EARL OF DERBY *being Steward of the* LORD LA WARR *of the same.*

The jury present Robert Cloughe to have married Margaret Pilkintone, daughter and heir unto Thomas Pilkintone, and payeth unto the lord for such lands as they hold of him 10d by the year, and is therefore to be entered burgess and to do such service as other tenants owe to do. Burgess by marriage.

Those who owe appearance and have not appeared if they do not come in and show cause &c. before May day next, to be amerced for this time freeholders in 12d, burgesses in 6d, and inhabitants Freeholders. Burgesses' fines.

[23] Berewicks were villages or hamlets belonging to a manor, of which sometimes mesne manors were made. But this burgage on Sude or Shude Hill could not have been so large, and must be taken in its most limited sense; for while the rent of a full burgage was 12*d.* yearly, this paid only 8*d.*

[24] The diet of "the twelve" must refer to the dinner of the twelve mesne lords who by "suit of court" were bound to find, or to serve in their "own persons" the Lord of the Manor, as judges of his Court Baron, which court rather than the leet, took cognizance of the succession to lands, the admission of burgesses to burgages, &c.

in 2d. If either constable or any other appointed officer refuse the office whereunto he or they shall be so chosen, that then they or every of them so refusing shall incur the amercement of 20s.

Court held 4th October, 12 Elizabeth (1570).

Catchpoll, Stephen Brown [succeeding Richard Galley.]

[Amongst the officers are "Skevingers from the Booths door to the Smithy Door and so to Salford Bridge." Ditto "from Fenel Street to the Scole House" [the Grammar School] and "for the Hanging Ditch and Meale gate."]

A local rate. Constables.

Whereas divers sums of money is and hath been disbursed by the constables and others for the common wealth of the town, as unto us and divers others of the town is known, in consideration whereof we order that a ley shall be laid and made of all the inhabitants within the said town, by the assessment of the mise-layers and other persons whom they shall choose; and they by their discretion to assess every man accordingly.[25]

Market cleansers. Swineherd.

The jury order that whereas they have appointed Elizabeth Graye and Margaret Renshaye, to make clean the market and 5s for the profit for the same is appointed; and also in like manner hath appointed Thomas Ranshawe to be swineherd: — If the said Elizabeth, Margaret and Thomas do not their duties, that is to say, to make clean the market every Tuesday and every Saturday at evening, and also the said Thomas convey &c. all such swine as unto him shall be appointed unto Collyhurste, and so keep the same all such days and unto such time as is appointed, — that then he or they that shall make default, to be put forth, and others to be put in by the appointment of the constables and [four others named].

[25] This seems to have been the origin of what was afterwards called the constables' ley, and in still later times became the police rate, to provide for such expenditure as by law should be borne by the town or its inhabitants at large. The derivation of the word "lay" or "ley" seems doubtful. In the expression "to lay a lay" may be found one origin, and the French word *ley*, law, suggests another, a rate made by law.

Appraisers. Distraint.

Whereas heretofore divers orders hath been made, that if every 'stress be taken, being burgesses, for non-payment of rents or otherwise by them or others, by action in the court, recovery and thereupon goods to be 'strained; — that if the party of whom such goods be strained come not in within fifteen days next after, and pay such sums as they do then owe, it shall be lawful for the *presores* [appraisers] to sell those goods so strained and to pay the party unto whom the debt is due.[26]

Brereton.

The jury doth present my Lady Bruerton [Brereton] to be departed since the last court, and that Richard Bruerton, son of Geoffry Bruerton, is her heir and under age, and holdeth of the lord certain lands in Farnworth; but his rent or service we know not.[27]

Grate. Hanging-ditch.

The jury order that Thomas Houlte shall deliver unto George Holland and George Proudlove, a grate of iron, the which grate they cause to be set in the Hanging Ditch, in such place as the jury hath appointed, 5s. All those that have any lands from the said grate unto the water of Irwell, shall so use the same that it be not hurtful to the course of the water, and so keep the same from time to time, 10s.[28]

A wale house.

Alys Meverell, widow, to make a house commonly called *Awale* house[29] tenantably, according to the tenor of her lease, so that the neighbours near adjoining be not damnified, 20s.

[26] A distress (*districtio*) signifies most commonly any thing which is taken and distrained for rent in arrears, or other duty. A man may take a distress for homage, fealty or any service; for fines and amercements, and for damage-feasant, &c. The effect of it is to compel the party either to replevy the distress, and contest the taking in an action against the distrainers; or, which is more usual, to compound or pay the debt or duty for which distress is made. (*Jacob.*) For the duties of appraisers see note 60, p. 67 *ante*.

[27] This lady Brereton was probably dame Elenor Brereton, widow of sir Uriah Brereton, knt., who was an executrix of her son Richard Brereton of Ley, co. Chester, in 1558. Lady Brereton resided in St. John's church-yard, Chester.

[28] This grate of iron was probably placed in the gutter, as an eye to the sewer flowing from the Hanging Ditch down to the river Irwell. These are now called sewer-grids, perhaps from grid-iron, a grated or barred iron.

[29] A wale-house may mean a wall house, but *wale* (Anglo-Saxon *wael*) signifies slaughter, so that it may be a slaughter-house.

Subscription. Repairing conduit.

An order taken for the repair of the conduit, by the court of Mr. William Radclyffe, that seven men should be chosen, of the which he is content to be overseer, the other six to gather charity of well-disposed persons, the which they shall bestow for the minding and upholding of the said conduit, these being the names of them to be chosen, — George Proudlove, Christopher Grannt, William Baguleye, James Pilstones, Nicholas Becke, Thomas Ayinissworthe. William Radclyffe, gentleman, overseer.[30]

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[30] The conduit was, as its name implies, a conduit-pipe with taps, the natural spring of water supplying it being near the top of King-street, and in or near Fountain-street, which took its name from this spring. The pipes from the spring to the conduit seem to have passed down Market-stid-lane, the present Market-street, to the Market-stid, now Victoria-street, and the site of the conduit itself was on a spot now covered by the premises of No. 4 Victoria-street. In Baines's *Manchester* (vol. ii. p. 241) is a brief notice of the conduit, which is there said to have occupied the site of "the old exchange" of more modern times. Baines assigns the erection of these "early water-works" to the year 1506; but we can find no authority for this date, and believe it to be erroneous. Leland, who visited and described Manchester in 1538, and notices its "two fair market-places," would hardly have omitted so useful an ornament of one of them as the conduit, if it had then existed. Hollinworth, in his *Mancuniensis*, after referring to Isabel, daughter and heiress of Richard, son of Roger Bexwicke, and wife and widow of — Becke, adds, "The said Isabel Becke did also build the conduit in Manchester." The date of this erection nowhere appears, but Hollinworth states that Isabel Beck, in her widowhood, granted to her son-in-law Francis Pendleton, and to her daughter Cicely his wife, the Jesus chapel in the collegiate church in the fourth year of Elizabeth. She was therefore a widow in 1562, and to about that period we may assign the building of the conduit, which she seems to have completed alone, and therefore most probably after her husband's death. She not only erected but endowed the conduit. Aston in his *Guide* (1804) says: "It is a circumstance which ought not to be forgotten that certain houses in St. Mary's-gate were left by Isabella Beck (widow of the builder of the south side of the choir of the old church) who died in the reign of Elizabeth, to trustees, for the perpetual upholding of the conduit." He adds: "If the town has not received for the last thirty years [*i.e.* since about 1776] the benefit from the legacy which the donor intended, perhaps in justice the boroughreeve and constables ought to have the rents arising from the land, to apply to some other public purpose." The first notice of the conduit in the Court Leet records is in April 1568, being an order to repair or fill up a hollow place in the ground near the *cundithe*, of which two-thirds of the work or cost is to fall on "Mistress Becke or the heir of Robert Becke." Robert Becke died before April 1557, and his

Court held Thursday, 19th April, 13 Elizabeth (1571).

The jury present Oswoulde Moseley, son and heir of Edward Moseley deceased, for one tenement in Moston; wherefore we order that the said Oswoulde shall presently come in and do his fealty according to the custom of the manor; else at his peril he will answer to the contrary. Mosley.

A midden at the churchyard side, in the holding of Robert Bixon [? Becke's son] and George Holland, is to be soe kept as not to be noisome to the neighbours or passers by.

Court held 3rd October, 13 Elizabeth (1571).

Catchpoll, William Reade [re-instituted].

Stephen Beche [? Becke] departed. Elizabeth Beche his wife is tenant for life of his lands. William Beche, son and heir of the said Steven and Elizabeth, is her heir apparent and under age. Beche or Becke.

James Chetame deceased; Henry Chetame son and heir, and at lawful age. Chetham.

Roger Bexwicke to keep his dunghill at the house of Cloughe wyves [Clough's wife] from being noisome &c., 5s. Bexwicke.

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son and heir Thomas Becke was then of age. In the same year it is referred to as "the conduit in the Market-place." The jury require its repair, and John Gee and George Pendilton are to declare "whom they think hath any money or lands for the same." So that in sixty years after the grant, it had become doubtful who held the property charged with the maintenance of the conduit. George Pendilton was probably a son of Francis Pendilton, who married Cicely, daughter of Isabel Becke, the foundress and grantor. In October 1570 the jury appointed six gentlemen (and Mr. William Radclyffe gentleman consented to be their overseer) to "gather the charity of well-disposed persons, the which they shall bestow for the mending and upholding of the conduit." In that year therefore all rents or profits from the houses in St. Mary's-gate, had been wholly lost as a source of maintenance. Thenceforward the conduit was maintained by "public benevolence," and it ceased altogether to supply water about 1775-76.

Court held Thursday, 10th April, 14 Elizabeth (1572).

Swine officers. The jury appoint for the oversight [as to swine going abroad in the streets] in every street as followeth: — In the Market Stead Lane [one officer]; for the Market Stead and Conduit two; for the Mealegate one; for the Deansgate one; for the Mylnegate, two; for the Hanging Ditch and Smithy Door, two. And these [are] appointed to see that the said swine be brought to Collyhurste, or else be kept in their cotes that they be not abroad in the streets.

Cleansing streets. Whereas the streets about the Conduit be evil and unclean kept, and noisome to the passers by, we order that every one that occupieth the houses and shops about the Conduit shall keep the said streets clean and sweep them from time to time, 6d. That likewise in all other streets in the town, that they be kept clean according to old custom, and nobody to sweep down the channel, but every body to bear their dung away, upon like pain.

A by-land. Stocks. Whereas there is a by-land betwixt the lands of Thomas Strangwaies (now in the occupation of the wife of James Glover), and the lands of George Pendilton, lying in the Deansgate, the jury doth order that neither the said Thomas Strangwaies nor George Pendilton, nor no other for them, nor any that occupieth the said lands, to plough within one foot of neither side of the Stocks, now set by the jury, 10s.[31]

Court held Wednesday, 1st October, 14 Elizabeth (1572).

Hulton. Adam Hilton of the Park Esq. departed; William Hilton is his son and heir and of lawful age &c.

[31] A *byland* in its larger sense meant a peninsula; but here it probably denotes a strip of land lying by, or along between, the lands of two owners, and abutting upon the footpath of Deansgate, and upon this byland the jury had caused the town stocks to be placed; so that neither landowner was to plough within a foot of his side of the stocks.

Edward Butterworth of Belfyeld Esq. departed; Alexander But- Butterworth.
terworth is his son and heir and under age.

Robert Hulme gent. hath not kept certain houses and barns Hulme.
with a mud wall, which he holdeth in the Market Stead Lane, not tenantable; which houses and barns he holdeth of the Lord De la Warr.

Court held 26th March, 15 Elizabeth (1573), *before* RANULPH [RANDLE] HURLESTONE, *Steward, [succeeding Edward third Earl of Derby, who died 24th October,* 1572.][32]

All that keep or hereafter shall keep alehouses in Manchester, Gaming.
shall not suffer any unlawful gaming in their houses, gardens or back sides, 20s.[33]

[32] This Randal Hurlestone, who succeeded the Earl of Derby as steward of the Manchester Court Leet, is probably the same mentioned in a letter of Henry fourth Earl of Derby and others to the Lord Treasurer and Secretary Walsingham with respect to the Manchester College. In reference to a yearly augmentation of rent corn, towards the maintenance of preaching and hospitality, the writers state that they have taken some pains with the tenants of the College and have found the most part of the common sort something reasonable. "As for some of the gentlemen and Randal Hurleston (who claimeth a lease of the Easter book, oblations, mortuaries, churchings, weddings, burials, and small tithes, as pig, goose, and such like, and that by 23*l.* 13*s.* 4*d.* less than the old rent ..... ever sithence the dissolution of the College in king Edward's days, &c.) we cannot deal with them so conveniently as we desire," &c. (*Hist. of the Foundations of Manchester*, vol. i. p. 107.)

[33] What was unlawful gaming in 1573? King Edward III. in the 39th year of his reign (1365) enjoined the exercise of shooting and of artillery, and forbade the casting of the bar, the hand and foot balls, cock-fighting, "*et alios ludos vanos;*" but without effect, till they were some of them forbidden by act of parliament. (11 *Rep.* 87.) In 28 Henry VIII. (1536) proclamation was made against all unlawful games, and commissions awarded into all the counties of England, for the execution thereof; so that in all places, tables, dice, cards, and bowls, were taken and burnt. (Stow's *Annals*, p. 527.) By the statute of 33 Henry VIII. (1541) cap. 9, justices and officers were empowered to enter houses suspected of unlawful games and to arrest and imprison the gamesters, &c., and by this statute no artificer, apprentice, labourer or servant

Drink. Divine service.

Neither suffer any drink or victual to be sold, at any time during prayer, preaching, or other divine service, unless it be to passengers; on pain to every householder 10s, and to every other person that shall either game or otherwise offend, 6s 8d. The penalty for drink and victual to extend to Sundays and holidays.[34]

Bowling, &c.

No man shall use any bowling or other unlawful gaming, either in houses within the town or in the fields abroad, contrary to the statute &c., 6s 8d.

No. of alehouses.

The most part of the jury do think thirty alehouses and inns to be sufficient in Manchester.[35]

The lord asked for brass weights.

The jury doth request, according to the Right Hon. Lord Delawarr, our singular good lord, his promises, that we have weights according as we have need; that is to say, half a hundred, containing 60 lb; one quarter, containing 30 lb; one other weight of 15 lb, and one other weight of 7½ lb; and that these may have my lord's mark upon them, to remain to the use of us his tenants in Manchester; and also that we may have a beam to the same, that it may be known to be the lord's beam and weight, that all other may be tried by the same.[36]

shall play at tables, tennis, dice, cards, bowls, &c., out of Christmas time (20s.) A cockpit was held to be an unlawful game; dice, &c., were not unlawful in themselves, but were prohibited by statute to certain persons, and only to be played in certain places. (*Jacob.*)

[34] For the sale of victuals or drink during divine service, &c., see note 39 in the Prefatory Chapter, p. 41.

[35] The jury were not unanimous in opinion, it seems. It is not easy to estimate the proportion which thirty inns and alehouses bore to the total number of inhabitants of Manchester in 1573. There were in 1863, 484 hotels, inns, taverns and public-houses, and 1826 beer-shops in the city of Manchester.

[36] In October 1566 the jury made a request for brass weights for standards, at the rate of six score pounds to the hundred; and now they ask for a sixty pound or half hundred, a thirty pound or quarter hundred, and other weights of the one-eighth and one-sixteenth of a hundred, marked with the lord's mark; and also a scale-beam to be known as the lord's standard, for the trial of others. At the Altrincham Court Leet, in 1719, there were delivered to the market-lookers of that manor the following weights: "a half hundred, a quarter, the fourteen and seven [lb], the scales, 4 lb, 2 lb, 1 lb and ½ lb, all of brass. To the ale-taster, a quart, a pint and stamp. To the constables, the bridle [for scolds &c.] and the staves [of office]. To the leather-sealler, the hammer and stamp upon it [for sealing approved leather]."

The jury doth present Edward th'Earl of Derby to be departed since the last court, and that Henry now th'Earl of Derby is his son and heir, and of full age, and payeth to the lord for his land in Manchester by year 5^{li} 7^{s} 8^{d}.[37] Death of Edward earl of Derby.

The jury doth present John Skillieborne, plumber, to be a common *easing-dropper*, a naughty person, such a one as doth abound in all misorders; therefore we desire that he may be avoided the town, and have such punishment as unto such doth appertain.[38] An easing-dropper.

Whereas there is great misorder in wearing of unlawful weapons, as daggers and such like, and also in wearing a hat upon Sundays and holidays; the jury order that no person, of what age, estate, or degree soever he be, shall not from henceforth wear any unlawful weapon, nor any hat upon Sundays or holidays, upon such pains and penalties as by the laws for the same is provided.[39] Weapons and hats on Sundays.

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[37] The death and heir of Edward third Earl of Derby (who it will be recollected had been for some years steward of the Court Leet) is recorded as that of any other tenant of the manor. Henry fourth Earl succeeded his father, and seems to have had a large quantity of land in the manor, for his yearly rent to the lord was *5l. 7s. 8d.*

[38] *Easing* is the same as *eaves*, so that an easing or eaves-dropper is a listener at windows. (See p. 3, Prefatory Chapter.)

[39] As to unlawful weapons, the statute of 2 Edw. III. (1328) prohibits men going or riding armed, by day or night, or wearing sallet, scull of iron or any other armour (except on special service and occasion) on pain of forfeiting the arms &c. and imprisonment. By 12 Ric. II. cap. 6 (1388) no servant in husbandry or labourer, nor servant of artificer or victualler, shall bear any buckler, dagger or sword, upon pain of forfeiting the same: and sheriffs, mayors, bailiffs and constables shall have power to arrest all offenders, and seize the said bucklers &c. As to wearing hats upon Sundays and holidays, the act of 8 Eliz. cap. 11 (1565) intituled "An act for uttering of caps, and for true making of hats and caps," in its preamble sets forth that "Great multitudes of the queen's majesty's true subjects, using the art of making woollen caps, are impoverished and decayed by the excessive use of hats and felts, and thereby divers good cities and towns brought to desolation, great plenty of strange commodities without necessity consumed, and great number of people enforced to depend upon the having of foreign wools, to the discommodity of this realm, the disfurniture of service to be done to the queen's majesty, and greater evident dangers if remedy be not provided." The second section enacts that none shall work hats with foreign wool, but such as have been apprentices to hat-making. The third section prohibits making or selling caps of felt, or of any woollen cloth not knit. The fourth prescribes

Court held 20th September, 15 Elizabeth (1573).

Beadle for rogues. [Amongst the manorial officers are five "for seeing ales and weddings executed"; and "a Beadle for the rogues."][40]

Birch. George Byrche of the Holte, is tenant of the Lord Delawarr in the right of his wife.

Offal. The jury order that neither butcher, nor any other person,

the thicking or fulling of caps. The fifth enacts "that no man under the degree of a knight, or of a lord's son, shall wear any hat or upper cap of velvet, or covered with velvet (10*s.*) whereof one moiety shall be to the queen's majesty, and the other moiety to such person then using the feat of cap-making as will sue for the same in any court of record; wherein no essoign [excuse] protection, or wager of law, for the defendant, shall be admitted or allowed." This act not being found sufficient to "protect" the cap-makers from the hat-wearers, another act was passed in 1570 (13 Eliz. cap. 19), which required that every person above the age of seven years should wear upon the Sabbath and holy day (unless in the time of their travels out of their towns, hamlets &c.) upon their head, a cap of wool, knit, thicked and dressed in England, made within this realm, and only dressed and finished by some of the trade of cappers (for every day 3*s.* 4*d.*) Except maids, ladies, gentlewomen, noble personages, and every lord, knight, and gentleman of twenty marks' land [a mark was anciently valued at 30*s.* so that every man having land then valued at 30*l.* by the year, might wear a hat, not otherwise] and their heirs, and such as have borne office of worship in any city, borough, town, hamlet, or shire; and the wardens of the worshipful companies of London. This act was repealed by the 39 Eliz. cap. 18, sec. 45 (1597). So early as 1482 fulling-mills existed in Manchester, for the manufacture of hats &c., but the cappers and others petitioned parliament, and an injunction was granted against their use for two years.

[40] A beadle (*bedellus*, Saxon *bydel*) was the cryer or messenger of a court, that cites men to appear and answer. He was an inferior officer of a parish or town, and there were also forest beadles, university beadles, and church beadles, now called summoners and apparitors. In later times there were four beadles yearly appointed at the Manchester Court Leet. The actual superintendence of the police is performed (in 1804) under the direction of the two constables, by their deputy, who has a salary of 150*l.* a year, and has under his command several beadles (formerly called here "Bang-Beggars") to assist him in the laborious task of doing the duty of constable in so populous a place. About thirty years ago [*i.e.* about 1774] the livery of the beadles was brown, lined and faced with crimson; and their legs decorated with crimson stockings. Their public dress was similar (the stockings excepted) to that worn by them now (1804). At that time one beadle was sufficient. — (Aston's *Manchester Guide.*)

shall not from henceforth cast any cow-bag, or belly of any kind of beast, upon any dunghill or other place within the town, to be noisome to any person; 3s 4d, one half to the lord and the other half to the poor of the town to be divided.

Whereas good and laudable orders have heretofore, with good advice and deliberation of the jury, been made, as concerning all the inhabitants of this town, but specially servants and apprentices, as well women servants as men, for that none of them should be abroad in the night, neither in the winter nor the summer, after a certain hour, as by the said orders are appointed, — which said hours in summer time is nine o'clock, and in the winter eight o'clock; — We therefore accordingly do order that all and every such persons as shall be found abroad after the hours appointed, not having lawful business, shall have such punishment as the steward and the constables shall by their discretion appoint; and likewise to assess such fines and amercements as they in like manner by their wisdoms shall think most fit and convenient. Hours for servants, &c.

The jury [after confirming former orders as to weddings and ales] do further order, that no person within the liberty of the leet, shall pay at any wedding dinner within the town of Manchester, or in any place within the town or *parish* of Manchester, more than 4d upon pain of such amercement as in the same orders are provided. [Five officers are appointed to see the same executed.] Weddings, &c. in the parish.

Whereas Richard Marshall hath caused the water that cometh forth of his fold to be turned out of his right course; by reason whereof the highway commonly called the Red Bank is sore impaired; which, if it should continue, would be utterly marred. Richard shall see the water to be turned into his right course, and so to continue, 3s 4d; whereof one half to the lord and the other to the poor of the town. The Red Bank.

The jury doth present all foreign freeholders that owe their suit at this Leet Court and have not appeared, to be amerced, every one in 12d, and the constables which have made like fault, to be amerced every one 12d.

Robert Langley hath purchased a freehold called "Clemence Langley.

Croft" [? Clement's Croft] of John Gregorie gentleman, and payeth therefor to the lord yearly 2s.[41]

Conduit lacks water.

Whereas the Conduit of Manchester, a special ornament of the town, doth divers times lack water, the which by the good furtherance of well-disposed persons, may be brought to such perfection that at all times hereafter there may be sufficient water to serve the town withal; in consideration whereof the persons whose names follow are appointed by the jury to gather and collect the charity of well-disposed persons for the amending of the same, the which must be by bringing of other springs to the same, and not without great cost and charge. William Radcliffe, Francis Pendleton, George Pendleton, Humfrey Haughton and Nicholas Becke.[42]

No butter in cakes.

No baker or other person baking to sell within this town, shall put any butter in their cakes, 3s 4d for every offence; the half of which amercement to be distributed to the poor of this town [and three officers appointed for the same].

Butchers' boards.

No butcher or victualler shall have any board abroad which they use commonly to set behind them; but that the same be placed either upon or under their flesh-board upon pain to forfeit the board so left abroad to the lord.

Paving Milnegate.

Mr. Steward doth order that every landlord and tenant in the Mylnegate shall pave &c., before their doors unto the midst of the street, 10s to be divided betwixt the lord and the poor.

Drunkards. Dungeon.

Mr. Steward doth order that what person soever shall be found drunken in any alehouse in this town, or else seen abroad in the street, shall therefore be punished all night in the dungeon; and moreover pay presently when they are released, 6d to the constable

[41] Clements' Croft, a small enclosed field in Manchester of two acres, site unknown, was held in socage in 1473 by Christopher Bridd, chaplain. In 1573 it is called a freehold, and is bought of John Gregory, gentleman, by Robert Langley, who seems to have held it till 1638, when it was bought of Robert Langley by John Hartley. The rent was the same (2s.) in 1473 and 1573.

[42] The spring in Fountain-street was beginning to fail in its supply. Of the five officers appointed, three at least, Francis and George Pendleton and Nicholas Becke were descended from the foundress of the conduit, Widow Becke, or her husband.

to be given to the poor. And if the person be so poor that he cannot pay the same, then the goodman or goodwife of the house where he continued drinking shall pay the said fine.

If any alehouse-keeper man or woman be found drunken, in their own house or else where, he or she shall be punished by imprisonment one night and from thenceforth to be discharged from alehouse keeping.[43] Drunken alesellers.

No servant or child shall from henceforth resort to any wedding house, or ales, whether they be sent by their fathers or masters; according to orders before made, on penalty on the father of 12d, on the master 12d, to be deducted out of his servant's wage and given to the poor.[44] No servant or child at weddings.

The jury present eight notorious women, "that are forbidden the town," one of whom is "Margaret Warren, or otherwise called *Mag o' Dents*." Women banished.

The jury present the names of the keepers of [seven] houses suspected of disorder. Disorderly houses.

Court held 15th April, 16 Elizabeth (1574), *before* RANULPH HURLSTONE, *Steward.*

Whereas good and laudable orders have been heretofore taken by the jurors for reformation of divers things, as in the Court Book may and doth appear, and their desire is that the same may be thoroughly put in execution, &c., and that the amercements may be only levied according to the faults made, so that the said defaulters be presented by sworn men &c.

The jury present Giles Bradshaw, to come in &c., in the rights of his wife. Sworn and admitted a burgess. Bradshaw.

[43] The punishment for drunkenness is here made more severe; a night's confinement in the dungeon on Salford bridge, a bleak, cold cell, and a fine of 6*d*. on release.

[44] This entry shows that servants, and even children, were frequenting the houses where wedding-feasts and ales were got up; and that it was deemed necessary to stop this by a fine payable by the father or master.

Blood wipes. The jury doth present of themselves that George Marshall, the 10th April, made a fray upon Thomas Aspinall, and gave him two *blood-wipes* in the head.[45]

Chetham. John Chetham of Nuthurste gent. is departed; Henry Chetham is his son and heir &c.

Court held September 30th, 16 Elizabeth (1574).

[Amongst the manorial officers are four "for seeing ales and weddings executed" and "a beadle for the roges."]

Stairs, Salford bridge. Richard Galley or whosoever for him doth occupy or hath right to the dunghill at the end of Salford Bridge, shall make clean the stairs going down to the water, between this and Saturday come sevennight, 3s 4d.

Teste Rob. Leighe, clerk of the same court.

Court held 7th April, 17 Elizabeth (1575).

Treasure trove. The jury doth present that since the last court was here holden, there was found in the house of George Bolton of this town, in digging of the ground within the same house, twenty-two ould Salford groats called croste grotes [crossed groats]. They were found by these persons following: By John Brooke, smith, 6; by John Garther, 6; by Thomas Chorlerton, smith, 8; by Henry Babbes, 2. We cannot find where any of this money doth remain, but only eight of them in the hands of Robert Marler and four of them in the hands of George Bolton. [Ten missing.][46]

[45] This term survived from Anglo-Saxon jurisprudence, in which every kind of injury by the violence of another was carefully enumerated and a corresponding fine imposed. For a *blod-wipe*, a certain *blod-wite* was exacted.

[46] The law of treasure-trove as to manors is stated in the Prefatory Chapter, p. 49. These "Salford groats" would show either that there was anciently a mint in Salford, or that at a very early period tradesmen's tokens were issued there. They were of silver,

The jury repeat the last order as to the repair and amendment of the conduit; and order that no person shall at any time hereafter wash any clothes, or scour any vessel, at the same conduit, 2[s]; and we appoint Thomas Aynesworth and John Symson officers to present the same.[47] Nuisances. Conduit.

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and were called "Crossed groats" from the cross on the reverse, which divided the coin into four quarters; and in the silver penny these were sometimes broken through, in two or four pieces, so as to make the half-penny or the farthing or fourth-ing. The name "groat" is a curious example of French-English. The coin was originally struck at Tournay, and being of the weight and value of four sterlings or silver pennies, it was called "le *gros* Tournais Englays," the great sterling, but the French *gros* retained its vocal sound in the English *groat* for great. A rhyming chronicler tells

"Of silver plate made out of Boloyne,
The groat, half-groat, all in new coyne."

The earliest notice of the English groat occurs about 1227 (11 or 12 Hen. III.) when a parliament in London ordered that the English groat should be coined to a certain weight; on the one side the king's picture, and on the other side a cross, as large fully as the groat, to avoid clipping. A similar ordinance was made in 1247, the cross to be "extended in length to the extreme part thereof, to the intent there should be no deceit used, by diminishing or clipping the same." In 1279 the master of the mint was ordered to make a great or (groat) sterling, of the value of four lesser sterlings [pennies]. Soon after Queen Elizabeth's accession in 1558, she turned her attention to the coinage, and on the 31st December 1558 a commission was issued for a new gold and silver coinage, the latter including groats, half-groats and pence. Passing over the withdrawal of the base and the issue of a pure coinage, we find that about the period of the discovery of these groats in Manchester, the use of private tokens for money, which were stamped by inferior tradesmen, such as grocers, vintners, chandlers, alehouse-keepers &c. was grown to such excess as to be the subject of frequent complaints. They were made of lead, tin, latten [brass], and even of leather. But these tokens were chiefly farthings and half pence; and to remedy the evil, it was proposed to coin halfpenny and farthing "pledges" of pure copper, but the project was not carried out; but the Queen granted a license to the city of Bristol to coin copper tokens. If the twenty-two groats found were local tokens, they were for a much larger amount than usual. But they were probably silver coins of the realm, and the appellation of "Salford groats" remains inexplicable, there being no evidence of the existence of a mint in Salford at any period.

[47] Hollinworth in his *Mancuniensis* states that in 1574 "the common of Collyhurst was enclosed, and also the same was put down in the night. The same summer William West, Lord La Warre and chief Lord of Manchester, did let Collyhurst to all such as would take the same, for 4*s*. the acre by years and 20*s*. fine aforehand."

Court held 30th September, 17 *Elizabeth* (1575).

Catchpoll, Thomas Choureton [succeeding William Reade, jun.].

Booths gutter and pale.

William Radcliffe and Richard Hunt gentlemen, to make and keep clean at all times a gutter with one pale at the end of the same, near unto the Booths door.

Court held 26th April, 18 *Elizabeth* (1576.)

Corn-eating Swine.

No man shall turn forth any swine upon the market days, so that they be found in the streets or market places, 12d. Those which be appointed for making clean of the market shall present the owners of the swine, if found, and also give diligent heed to keep the swine from sacks of corn for and during the market time.

Butts. Alport Lane.

Whereas there hath lately been one pair of butts in our town's end, in a lane there called Alporde [Alport] Lane according to the statute in that case provided; nevertheless for want of rails, by cattle thrown down, which is greatly complained of, and may be an occasion to hinder artillery [the old name for archery practice] which in this country of late times is greatly desired; — therefore the jury order that the same butts be well and sufficiently repaired, and also rails there placed for the defence of the same butts, at the cost and charge of the whole town; to be gathered and overseen by the constables of our town, before Pentecost next.[48]

But Hollinworth has fallen into some error here. The enclosure may have been attempted, but was probably effectually put down at the time; for in 1618, when the matter was before the Duchy Court of Lancaster, it was distinctly set forth that about fifty acres [of the original eighty] remained at that time unenclosed.

[48] The situation of the town butts is here shown to be in Alport Lane, now Deansgate, at the town's end, or where houses and buildings ceased, near Knot Mill. We have already noticed the statutes passed in the vain effort to uphold archery. Strutt in his *Sports and Pastimes* says: "In the sixteenth century we meet with heavy complaints respecting the disuse of the long bow, and especially in the vicinity of

Court held 20th October, 18 *Elizabeth* (1576), *before* LORD TRAFFORD, *Deputy-Steward.*

Catchpoll, William Savage.

Whereas many men have gone with their carriage, as dung, clay, and such like, both upon the causeways [footpaths] and at inconvenient times of the year, whereby the causeways in the highways about Manchester are greatly worsened; — therefore the jury order that no manner of persons shall at any time pass with their carts or carriage, upon the causeways in the highway, having sufficient way for their said carts by [by the side of] the said causeways, 12d. [Two officers appointed concerning the causeways.] Carts, footpaths

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Court held 11th April, 19 *Elizabeth* (1577).

The jury present Anthony Moslaye to have purchased of William Benbrigge gent. certain closes and parcels of land lying between the hamell [hamlet] of Newton and Collyhurst, and is to do his suit, and pays to the lord for the same lands 7s by the year. Mosley.

The same Anthony hath purchased of the said William two houses &c. in the occupation of Richard Kilner and James Bordman, with also one parcel of land lying on the back side of the same houses now in the occupation of Elizabeth Briddocke, widow, and is to pay for the same lands to the lord 13d by year.

Raphe Byrom gent. is of lawful age and owe to come in &c. Byrom.

Thomas Massie of Wickel Wicke [Whickleswick or Quickles- Massie. Quickleswick.

London." Stow (who died in 1605) says that before his time it had been customary, at Bartholomew-tide (August 24 or 25) for the Lord Mayor, with the sheriffs and aldermen, to go into the fields at Finsbury, where the citizens were assembled, and shoot at the standard, with broad and flight arrows, for game, and this exercise was continued for several days; but in his time it was practised only on one afternoon, three or four days after the festival of St. Bartholomew. By the churchwardens' accounts at Reading it appears that the cost of making and setting up a pair of shooting butts was 8s. in 1566; 14s. 11d. in 1621.

wick, in or near Trafford Park] is departed, and Thomas Massie is his son and heir and under age.

Tanners. Bind leather.

Whereas the tanners of this town and others have obtained license to tan and make "*binde* leather," and since the license obtained divers complaints have been made of the evil tanning of the said bind-leather; the jury order that the said tanners from henceforth shall not sell any of the said bind leather afore it be sufficiently tanned, and allowed by the sealers; and further that no tanners shall cut any cow hides into bind leather.[49]

Caps at church.

The jury order that James Smith, capper, and William Savage, shall be officers to see that the state of wearing caps shall be observed and kept here, in Manchester church; and those that make default, they to present their names here at the next Leet Court.[50]

Gaming in alehouses.

Whereas divers good orders &c. for the amendment of those that keep alehouses and those that frequent them, have not brought such amendment as we looked for, — we order that whomsoever shall hereafter offend in suffering any unlawful games or misorders in their houses, gardens or back sides, not only they that suffer such misorders but they that commit the same, shall forfeit to the lord for every time so offending 6^{s} 8^{d}.

Drunk and disorderly.

The jury [after repeating the recent order as to drunkards] further order that the constables from time to time, as much as in them lieth, or is possible to be done, shall see this order executed,

[49] What "binde" leather was, we do not find stated in any statute or dictionary, but suppose it was for binding shoes, &c. Tanned leather generally is classed under *hides* and *skins*; the former being the skins of the larger animals, bulls, oxen, cows, &c., and chiefly used for soles of shoes and boots, or other purposes requiring very thick and solid leather; the latter is applied to the skins of calves, goats, seals &c., which being thinner and more flexible, are intended for the upper leather of shoes and boots, for saddles, harness &s. The stoutest and heaviest bull and ox-hides are tanned for "butts" or "backs." Others are made into "crop hides," which are chiefly used as sole-leather.

[50] Two officers, one a maker of caps, are here appointed to attend the Old Church on Sunday and holidays, to note who wear hats, contrary to the statute already cited in note 39, p. 131, *ante*.

and presentments made, for the amendment of our town and restrainment of misordered persons.

Robert Hulme gent. in building of his new house hath straitened the way toward the St. Mary Gate; and, as we have knowledge by Edward Blomeley, that he hath not *buyld* [builded or built] above two fingers [of encroachment]. Fine drawn encroachment.

Richard Birche *alias* Orcharde hath set into the street against his house two posts to bear up a pendich for defence of a cellar.[51]

Thomas Costerdyne of London, merchant, hath purchased of Edward Shalcrosse certain closes called Shooter's Brook Fields, but by what rent or price we know not. Shooter's Brook Fields.

Whereas by divers orders heretofore made the inhabitants of this town should grind their grains and corns at the lord's mills; notwithstanding many, not regarding their common wealth, and good education of their children in the said school, do wilfully absent themselves, and grind at other mills, now to the great hindrance, and in short time, if not provided for, to the great overthrow of the said school, which only is founded and maintained by such commodity as doth grow by the same, — These therefore are to desire all those that do absent themselves from the said mills, that they would bring, or cause to be brought, their corn unto the said mills, there to be ground. And if fault be in the miller, they shall have recompense, as by the advice of two honest men to be appointed shall be thought meet; and if this our gentle request will not serve, then to think no un-courtesy, if we use such means as we lawfully may to compel them to the same. Grammar School Mills.

The jury doth request that all those which have withdrawn their good wills or such stipend of money as they have been accustomed to give the *waytes*, that they would the rather, at our request, extend their good wills to further their stipend and not to hinder it. Waitts' wages.

Nicholas Mosley gentleman, came in and was sworn and was Mosley.

[51] *Pendish* may be either a *pentice* or a *pent-house*; both derived from *pendus*, hanging from or leaning over. *Pentice* usually denoted a roof projecting over the front wall of a building; *pent-house*, a leaning shed, sloping from the front wall outwards, like a hollow buttress.

admitted a burgess, paying to the lord 8s, and 1s in respect of lands which he bought of William Benbrigge, gentleman.

Court held 13th September, 19 Elizabeth (1577).

Catchpoll, Leonard Rothwell.

The jury present that all those that be freeholders and owe to do suit and service at this court and have not appeared this day, to be amerced in 2s a piece for this time. Burgesses who have not appeared 6d, unless they show sufficient cause.

Conduit in decay.

The jury order that Richard Hunte, Nicholas Becke, and the constables, shall have authority to see to the amendment of the Conduit, and that the same may be used according with the foundation thereof made, and that the keys thereof shall be kept by their appointment; and to the end that the same may be amended, the same being now in decay and ruin, that [four burgesses] shall associate with and help them for the collection and gathering of the money for the same.

Old survey book.

The jury present that at this court a survey book was showed unto us by Mr. Steward, wherein it did appear that the inhabitants of the town of Manchester, and certain hamlets thereof, should grind their corn at the mills of Manchester; which book beareth date in Edward the Second his time &c.[52]

Timber, Mealgate.

All those that have timber, stocks or blocks lying in the Mealegate, shall take the same away before the feast of All Saints [Nov. 1], and none hereafter to be laid there, 3s 4d.

The Hunt Fields.

Thomas Trafford gent, shall cause his ditch betwixt his field and

[52] This "Survey Book" of *temp.* Edw. II. may have been the "Roll of Survey" of 13 Edw. II. (1320) for which see *Mamecestre*, cap. xv. or the "Extent of the Manor" of 15 Edw. II. (1322) *ibid.* cap. xv. Both alike state that there is a corn-mill on the Irk, worth 10*l.* yearly to the lord, at which all the burgesses and tenants of the vill of Mamecestre, of the hamlets of Ardwick, Openshaw, Crumpsall, Moston, Nuthurst, Gotherswick and Ancoats ought to grind to the sixteenth grain; the lord of Moston being hopper-free, and he ought to grind to the twentieth grain.

his Hunt Fields to be ditched, that the water may have his course in the Market Stead Lane, 6s 8d.

All those that keep lodgings within this town, shall not suffer any stranger to lodge with them above two nights and days, unless they make it known unto the steward or constables; except he or they be sent as they know and will answer for them that they have lawful business, 10s.[53] Strangers' lodging.

No man's children or servants shall go abroad in the street nor come into any alehouse, having no lawful business, after eight o'clock in the winter and after nine o'clock in the summer time. And if any innkeeper shall hereafter sell any meat or ale to any servants or children after [those hours] he or they 2s, the forfeiture to be levied by distraint, or else by action in the court. Children and servants at night.

Court held 3rd April, 20 Elizabeth (1578).

Hugh Gilliam is one of the heirs of James Gilliam for one .... [half] .... burgage in the Market Stead Lane, is of full age &c. Gilliam.

Edmund Prestwyche Esq. departed, and Isabel, wife unto the said Edmund, is seised of all his lands during her life; the remainder to Edmund Prestwyche during his life and to his heirs male. Prestwich.

Forasmuch as we are credibly informed that there hath been divers disorders in this town, namely in unlawful games used in the night time, not only through the negligence of business and especially by the sufferance of wicked watchmen, who have been hired, or rather bribed with money of the gamers, and so permitted them to use their unlawful game all the night through at their pleasure; neither regarding the commodity, preservation, or good government of the town, nor yet their oath, which is most lamentable: — Therefore, the premises considered, and weighing with Night gaming. Wicked watchmen.

[53] This is to prevent vagrants harbouring in the town, and becoming chargeable to the parish. It was succeeded in later years by a numerous series of orders directed against "Inmates" and those who give them lodging.

ourselves what detriment and hindrance may arise by negligent and wicked watchmen, for by such the town in a moment may be utterly overthrown; and contrariwise that commodity and safety may spring through vigilant and diligent watchmen, for by such the town shall be without danger preserved; — We order that this be registered in the leet book, to be read at every leet from time to time, thereby to give the constables admonition and warning, that they take diligent heed in allowing the watchmen, and that they take none to the watch but such as they know to be honest, discreet and sober men, being able to yield account of their living favourites to virtue and enemies to vice. No person of misbehaviour, no suspected person, no persons heretofore with bribes corrupted, or any such like. And in so doing God shall be glorified, the queen's majesty's watch duly observed, the town in safety preserved, all unlawful games repressed, and good order maintained; — which we pray God grant and wish the same unfeignedly.[54]

Decay of archery.

Also, among all other disorders, or rather wants in this town, one ought chiefly to be looked into, — that is, whether the statute for bow and arrows be duly observed or no; and whether the constables do their duties in looking to the same or no, it is to be suspected; for a man may come upon Sundays or holidays into Alporde [Alport] a place where archers do frequent, if any be abroad, and he shall see but one company of archers, or two at the most; whereas heretofore there hath been sometimes six companies, sometimes eight or more. Therefore we order that the said constables shall go throughout the limits, and do their duties as often as the statute commandeth, and that they also make a note for every time that they go abroad for that purpose with the hands of four or more honest men witnesses, every note for the *dishandye* [?] and present the same several notes to the jurors at the next leet, so the names of those that want bow and arrows, or, having bow and arrows, do not exercise shooting according to the sta-

[54] In this long order, proper and desirable in itself, the reader cannot fail to discern the old Puritan spirit manifest throughout its tone and phraseology.

tute, upon such pain and forfeiture as is expressed in the same; and the jurors then, for the time being, to put up the same presentments, with the names of the inhabitants that be found faulty in the same, or else, the names of the said constables not doing their duties in the said statute and this order limited; and by that means we doubt not that artillery [archery], which within this town is wonderfully decayed, will in a short time be renewed and bettered.[55]

Caps. Sworn officers.

Whereas there hath been divers good orders as well for caps, as other things, heretofore made; yet, by reason that the officers are not sworn thereto, are not observed; therefore we request that as well they as all other officers be sworn to their office; and in so doing many things will be amended which are now unreformed.

Inmates.

The jury order that no inhabitants within this town shall take to their house any *inmates*, unless the said inmates be able to get their livings without begging 5s.[56]

No ale during service.

No innkeeper or [keeper of any] alehouse or tippling-house within this town, shall not henceforth sell any drink or victual at the time of divine service, or sermon, upon Sundays or holidays, except to strangers, and passengers, market days also excepted, 6s 8d. And henceforth to keep no alehouse without their license, upon pain aforesaid.

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[55] This is a curious proof of archery being in Manchester, as elsewhere "wonderfully decayed." What precise number of individuals constituted "a company of archers" we do not learn; but the number of companies seems to have diminished from eight to one or two.

[56] *Inmates* are those persons who are admitted to dwell with and in the house of another, and are not able to maintain themselves. These inmates are generally the idle persons harboured in cottages; wherein it hath been common for several families to inhabit, by which the poor of parishes have been increased; but suffering it is an offence by statute liable to a forfeiture of 10s. a month, inquirable of in the Court Leet &c. (*Stat.* 31 *Eliz.* cap. 7, 1589.)

Court held 6th October, 20 Elizabeth (1578).

Catchpoll, Willam Reade the elder.[57]

[Amongst the officers of the manor, are "Officers for hats and caps, used on Sundays and holidays," "Officers for the Conduit," &c.]

Assize of ale. Whereas there was an order made at the leet holden 30th September, 19 Elizabeth (1577) concerning the assize of ale, with a penalty in the same order contained, to the intent as well to bring those that do, to sell in good order, as also that the penalty and forfeiture thereof might be distributed to the poor in Manchester, as by the same order may appear; — notwithstanding, by whose means we know not, the said order hath been and is wholly perverted, and turned from the true and plain meaning thereof. Therefore, in consideration that the same order, made by the jurors then being for a goodly intent, is wholly altered, and neither the alehouses in better order, nor the poor relieved, for whose cause the same order was made, — We order that the same order &c. shall be from henceforth frustrate, void and of none effect; and the alehouses to stand, concerning the amercements, to the discretion of the affeerers of the court for the time being, according as the ancient custom of this court requireth.

Order rescinded.

Caps on Sundays. The jury order that every person shall from henceforth wear caps upon the Sabbath Day, according to the statute in that cause pro-

[57] As to this year's choice of boroughreeve, we find the following in Hollinworth's *Mancuniensis*: "Anno 1578 there was a difference betwixt the lord and the town about the choice of a boroughreeve. The steward chose John Gee; but the town chose Rob. Langley." The only name in the Court Leet Book is Robert Langley, who was upon the jury; but it is noteworthy that whilst the constables have appended to their names the usual "jur.," *i.e.* sworn into office, there is no such appendage to Mr. Langley's name; which looks as if Mr. Randal Hurlestone, the steward, had refused to swear in the gentlemen chosen by the jury. The jury, however, seem to have claimed their right of choice under the charter of 1301, and the steward was compelled to yield. We do not find that John Gee was elected in the following year, as might have been by way of compromise; but a Henry Gee was then elected, probably one of the same family.

vided, upon pain of such forfeiture as [is] in the same statute contained; and we make officers for to see the same executed, John Shawe and James Smithe.

Standings for turnips &c.

No man nor woman shall stand with any turnips, besoms, or straw hats, no higher in the street than the now dwelling-house of Edward Cunliffe; and that none stand with such things anendst the shops of Richard Gillott, 12d.

Constables' accounts.

That the constables for this last year past shall make their accounts to the constables now being and the miselayers being now chosen, of all such sums of money remaining in their hands, which have been levied of the town in their time; and the overplus in their hands to be delivered to the constables now being, within fourteen days, 20s to the lord. And that every constable hereafter shall make the like account, and deliver either to the jury for the time being, or else to the next constables succeeding them, within the like days and upon the like pain; and also to be answerable for the account, over and beside the said pain of 20s.

Conduit. Supply limited.

No person &c. hereafter shall bring to the Conduit any kind of vessel of greater value [? capacity] than one woman is able to bear full of water, and but one of every house at one time, and to have their *cale* [Lancashire for call, or turn in rotation] as hath been accustomed. William Radclyffe gentleman onely excepted, 5s. Officers to see this order executed, Thomas Aynesworth, John Sympson.[58]

Court held 23rd April, 21 Elizabeth (1579).

Oath of allegiance. House visitation.

The jury order that the constables for this time being shall go to every household within this town between this and the next

[58] It was in this year, 1578, that Queen Elizabeth, having dissolved the existing fonndations of the college, gave it a new one, under the title of "Christ's College, in Manchester." This period was also a remarkable one in the annals of the town, as distinguished by the settling in Manchester of a considerable number of emigrants from the Low Countries, many of them skilled in manufactures.

leet, and then and there present the names of all such as are of the age of twelve years and above, and are not sworn to the queen, 6s 8d. That upon such warning, every householder bring such men-children as are of the said age and not sworn, unto the said Leet Court, and there not depart until they be sworn, 12d.[59]

Householders at the Leet.

The jury, by the advice and consent of the Right Worshipful Ranulph Hurleston Esq., steward of this town, do order that all and every the householders within this town from henceforth at every leet give attendance and appear at the leet by nine o'clock in the forenoon, and from thence not depart without special license, till such time as the charge be given and ended, upon pain of every one so offending, 4d.[60]

A hedge.

William Linley shall from the old ancient quickwood standing in the east end of his garden hedge to the green quickwood beneath the apple-tree to the church-yard, set his hedge straight, where now he hath diverged without [or beyond] the apple-tree, 2s.

Game of giddy-gaddy.

Whereas there is great abuse in a game used in the town called "Gede Gadye, or the Catt's Pallett," that no manner person shall play at the same game, being above the age of seven years, upon pain of every person so playing, to be imprisoned in the dungeon for the space of two hours; and every parent or master of such persons so playing, having warning of their children or servants so doing, for every time so serving them after warning given, 4d. This order is made because divers of the inhabitants do find them [-selves] aggrieved that their children be hurt and in danger of being hurt.[61]

[59] Twenty-one years having elapsed since the Queen's accession to the throne, and the general administering of the oath of allegiance, it was deemed desirable, at a time when many Roman Catholics were denying her majesty's supremacy and even her legitimacy and consequent right to the crown, to require all "men-children" above twelve years of age, who had not previously taken the oath, to come into court and be sworn.

[60] An effort to coerce the reluctant burgesses and inhabitants to attend and remain in court, to hear their duties and services to the lord rehearsed at length in the steward's charge to the jury.

[61] The game of "Giddy-Gaddy, or the Cat's Pallet," is nowhere described under

The jury do desire Mr. Steward and the constables that they would take some good order for the severe punishment of common drunkards, unlawful bowlers, and other unlawful gamblers; because there is no presentment put up unto us, which appertaineth only to the constables and is part of their charge.[62] Drunkards, bowlers, &c.

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that name in Strutt's *Sports and Pastimes*, or other works of that kind. It is not unlikely to have been the play called "Tip-cat," or the game of cat, a rustic pastime still well known in many parts of the kingdom. It is named from a piece of wood called a cat, about six inches long, tapering from the middle to both ends, in the shape of a double cone. When the cat is placed on the ground the player, with a cudgel or bludgeon similar to that used for trap-ball, strikes either end of the cat smartly, on which it will rise with a rotary motion high enough to beat it away as it falls, as he would a ball. There are several ways of playing the game; one being to strike the cat over a ring marked on the ground; another is for six or eight players to stand at as many holes in the ground, at equal distances in a circle, and every time the cat is struck, the other players are obliged to change their situations and run once from one hole to another in succession. If the cat be driven to any great distance, they continue to run round in the same order, scoring one towards the game every time they quit one hole and reach another. This game in its implements and action seems to accord with both the names given in the text. It has been supposed, however, that the game referred to is a childish play in Scotland, in which they sit on their houghs and hop round in a circular form. Dr. Jamieson in his *Etymological Diary* calls this dancing "*curguddy*" or "*curciddoch*," from *curr*, to sit on the houghs or hams, and *kudd-en*, to congregate, *q.d.* to curr together. We incline to think, however, that giddy-gaddy is a form of tip-cat. The "Dungeon" was either the place on Salford Bridge or the New Fleet prison, Hunt's Bank; it is uncertain which.

[62] This order probably resulted from the action of Queen Elizabeth's royal commissioners for Lancashire and Cheshire, for some account of whom see *Lancashire Lieutenancy*, No. 27, p. 104 *et seq.* Under the date of 1579, Hollinworth in his *Mancuniensis* writes that "Henry Earl of Derby, Henry Earl of Huntingdon [then lord president of the North], William Lord Bishop of Chester, and other her majesty's high commissioners, being assembled at Manchester, gave forth good orders and injunctions against pipers and minstrels playing, making and frequenting; also bear-baiting and bull-baiting on the Sabbath-days, or upon any other times, in time of divine service or sermons; also against superfluous and superstitious ringing, wakes, and common feasts continuing in alehouses, drunkenness, &c." The jury in their order intimate that they cannot punish evil-doers unless the constables do their duty in presenting such.

Court held 20th September, 21 Elizabeth (1579).

[Amongst the officers to be appointed at this leet are "Officers for seeing caps used on Sundays and holidays;" but a blank is left where the names of these officers should be.][63]

Thomas Cunliffe is to take down his building that he hath builded betwixt his house that he now dwelleth in and the Booths, or else keep the same so as it shall not hurt the wall there, nor be any decay to the house, 3s. 4d.

William West.

Court Leet &c. of the Right Worshipful [honorabilis vir] WILLIAM WEST *knt.*, LORD LA WARRE, *Lord of his Manor of Manchester, held 7th April, 22 Elizabeth* (1580), *before* RANULPH HURLESTON *Esq., Steward.*

Measures for corn.

The jury order that every half hoop [the hoop is the peck] and peck measure for corn, shall be made in value [capacity] equal to the hoop, according to his quantity, 12d.

Common oven.

Whereas Richard Foxe doth pay yearly to the lord 6s 8d for a common oven, the jury doth request all loving neighbours to come and bake with the said Richard Foxe; he baking the bread and other their necessaries, duly as he ought to do.[64]

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[63] In the binding of this old volume several leaves have been misplaced here, and afterwards paginated wrongly. To restore the true order, according to the dates, leaf 112 should follow immediately leaf 98; the leaves paged 99 *et seq.* relating to the Courts Leet of several years later. Of course we shall preserve chronological order, for, on leaf 98 *dorso* is written in an old hand, "Ye 112 leafe of this bowke showld be placed next to this leafe at ye other side."

[64] The common oven seems to have passed from the tenure of Chaloner (see note 92, p. 89 *ante*, also p. 96) to that of Richard Foxe, who paid the same money rent to the lord (6*s.* 8*d.* or half a mark) as was its declared yearly value by the Survey of 1320 and the Extent of 1322 (*Mamecestre*, pp. 315, 393) and also the rent paid by

Court Leet of WILLIAM WEST *knt., 5th October 22 Elizabeth* (1580).

Catchpoll, George Marshall.

[There were "Market-lookers for white meat" in various places, viz. Market Stid Lane, Milnegate, Deansgate, Hunt's Bank and Withingreave; "Officers for wholesome bread;" "Ale-founders," the old term revived; and four "Officers of the Court;" perhaps the origin of the four beadles of later times.] Manor officers.

The order for measures for corn [not being performed is repeated, and] the market-lookers are to make the same; and none other measures shall be allowed but such as they make and seal. Sealed corn measures.

Thomas Massey shall carry away the dung in Mr. Thomas Trafford's court, anendst the beare-house [? *bier-house*] there, 3s 4d. ? the bier-house.

The jury doth ratify by these presents all good orders by their predecessors heretofore made.

Court held 8th March, 23 Elizabeth (1581).

Ralph Partington is come into this court and hath knowledged himself to have by covenant and deeds, by his counsel learned in the law, to have conveyed to his son John Partington all his lands in Manchester. And John Partington the son is sworn in and admitted a burgess. Partington.

All those persons that bring fish to be sold shall stand to sell the same fish at the Smithy Door, as hath been accustomed, anendes the lands of Richard Hunt, gentleman, and anendes the house that Ralph Sorocoulde Esq. now dwelleth in. Provided always that none should stand anends the door or window of his cellar of the said Ralph Sorocoulde, to let [hinder or obstruct] the light into his cellar; and that the greatest part of those that bring Fish market, Smithy-door.

Thurstan Chaloner's wife according to the rental of 1473 (*ibid.* 502). The baking was falling off, it seems, in 1580, and hence the jury's appeal to "all loving neighbours."

such fish to be sold shall stand upon the same side of the street, anends the lands of the said Richard Hunt.

Foddering and tying horses.

All those persons that bring any horses to this town shall not fodder their horses in the Market Place, nor in any other place in the town, nor shall not tie the said horses in any streets within the town, but shall place the said horses in stables and rooms, in inns within the town, 4d. And that further the boroughreeve, the constables, or the catchpoll, shall cause this order to be published two market days, at the Market Cross. Always provided that those that bring fuel to the town to be sold shall not be within this order nor pain.

The market cross.

Searching inns &c. for beds &c.

Memorandum. That it is ordained by the steward and the jury &c. that the jury, being assisted with the deputy-steward and constables of the town, shall search all the inns and alehouses, and make certificate unto the said steward what beddings they and every of them have; and this to be done sometime before the end of next week; and also to view what rooms and stablings they have; and also to inquire what unlawful games they have used in their houses, and whether they have kept the assize [of ale], and by what measures they sell.

Archery butts.

The steward and jury doth order that the constables shall provide common butts, to be made in some places convenient within this town, according to the statute &c. 6s 8d.

Rations, wedding-dinners.

The jury order that from the third Sunday of April next [April 16, 1581, in that year the third Sunday after Easter] no householder within the town of Manchester do provide above two *messe* of meat for any marriage, and that no more meat shall be dressed or provided in any other houses but in that one, for the same marriage; and that he suffer not above twenty persons to be at those two *messes*, on pain of forfeiture by the householder for every messe above, 10s, and for every person above the number of twenty, 12d. And also that the same householder in whose house any dinner, breakfast, or other provision shall be made, do give warning to the deputy-steward, boroughreeve and constables, that such dinner, breakfast or other provision is toward; to the intent

that the officers aforesaid shall make search for the observance of this order, if they shall think fit so to do, 2s 6d. And that no inhabitant shall either go himself or send his servant forth of [or beyond] the town, to any such wedding upon pain of 3s 4d.[65]

Court held 6th September, 23 Elizabeth (1581).

Catchpoll, Thomas Clegge.

The jury order that no manner persons &c. shall hereafter make any resistance [? rescous] upon the lord's bailiff, when he cometh to serve any levy or precept, or to distrain for any fine or amercement, upon pain of every resistance made and presented in the court, 10s. Rescue from bailiff.

John Orrell of Turton Esq. is departed &c., and William Orrell is his heir.

Whereas the Conduit, a great ornament to the town, is greatly decayed, to the great discommodity of the town, — it is ordered by the jury that William Radclyffe gent., Robert Langley, Nicholas Becke, Thomas Becke, John Radcliffe, George Pendelton, Henry Gee and John Billinge, shall be overseers of the said Conduit for the amendment of the same; and that, either by benevolence of the well-disposed inhabitants, or [by] calling the miselayers to them, shall assess such sums for the repairing of the same, as by their discretions shall seem convenient. And that no persons shall convey any water between nine o'clock in the evening and six o'clock in the morning from the said Conduit, 6d. Conduit greatly decayed.

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[65] After vainly trying to limit the charge per *poll* or head at wedding-dinners, the jury now endeavour to restrict the numbers to be present at such assemblages. A mess usually consisted of four persons dining off the same ration; but here the *maximum* number of a mess would seem to be enlarged to ten persons. The penalty is laid both upon any larger number of messes than two, and any greater number of diners than twenty.

Court Leet of JOHN LACYE, *Esq., held 19th April, 24 Elizabeth* (1582).[66]

Becke. Nicholas Becke is departed since &c., and Thomas Becke is his son and heir and under age. [Both father and son were at the time officers of the conduit.]

Inmates. Whereas divers persons or householders &c. have taken into their houses divers inmates and strangers, not born or inhabiting within this town, for the space of certain years, according [contrary] to the statutes of this realm &c., which said strangers have lived idly and fallen to begging, to the great burden of the rest of the inhabitants of the town; — therefore we order, that no householder or inhabiter hereafter, from the feast of Pentecost next, shall suffer any such person to tarry in their houses &c., nor shall take to dwell with them as inmates [invariably spelled *inmakes*, though derived from *in* and *mata*, Anglo-Saxon, implying a mate or companion within, a lodger] any such stragglers or idlers, not being born in this town or dwelling here by the year, of three years last past; unless the same persons do come before the constables and can give then account before the constables how or by what means they can get their living, without begging or living idly, to the burden of the inhabitants of the town, 20s. And that no householders or other persons inhabiting &c. shall suffer any . . . . . or notorious offenders . . . . . to come and lie in childbed in the town, within their houses or dwelling-places, 20s.; and to be further punished at the discretion of the constables. And further, we order and desire the constables that they monthly go through the town to see this order put in execution, to the glory of God and benefit of the common wealth of the town.

The Within-greave. Roger Bowker, shoemaker, hath encroached upon the lord's

[66] It is somewhat remarkable that, although the manor was sold by Sir William West, Lord La Warre, to John Lacye, a mercer in London, for 3000*l.*, on the 15th May 1579, the Courts Leet of 1580 and 1581, should still be held in the name of "William West, knight;" and it is not till the court of 5th April 1582 that the name of Lacye appears in the heading of the Court Leet in the Court Book.

waste in the Withengreave, near adjoining to his house which he now dwelleth in.

Court held 9th October, 24 Elizabeth (1582). [*Ranulphe Hurlestone's name, as Steward, is struck out, and that of Richard Swindlehurst written over it.*]

Robert Barlowe hath encroached in the Market Stid, and builded a hovel or pent-house adjoining to his house and smithy there. He shall take the same down, or agree with the lord before the next leet, 10s. Hovel and smithy, Market-street.

The jury present that whereas Arthur Kershawe (as they are informed) doth tithe (? title) some part of the Milner's Lane to be his land, — they the jury find that the said lane is wholly pertaining to the lord of this manor, and is to be used for the benefit of the neighbours of the town, as it hath been accustomed. Miller's lane.

The jury order that John Burge, *alias* Crooke, milner, nor any other person, shall not at any time hereafter buy any malt, corn, or grain, within this market, and sell the same again in the said market, contrary to the laws of this realm, upon such pain as is provided by the said laws. Regrating corn.

Court Leet of JOHN LACYE, *Esq., held 4th April, 25 Elizabeth* (1583).

The jury doth present Lawrance Robinson, of Salford, to have purchased of Richard Fox one burgage in the Milnegate, and payeth to the lord for the same burgage 12d and for the common oven belonging to the same burgage 6s 8d by the year, and is to do his service for the same burgage.[67] Common oven, Mylnegate.

[67] Here is another transfer of the lord's bakehouse or oven, from one tenant to another, at the old rent, which had continued the same in money amount more than two hundred and sixty years.

Giddy-gaddy, cat's pallet.

Whereas there is great abuse in a game or games used in the town called "*Gidiegadie* or the *Cat's Pallet*, and *Typing* [tipping] or hurling the Ball," — that no manner person shall play at the same games, being above the age of seven years, either in the churchyard or in any of the streets of this town, upon pain of every person so playing being imprisoned in the *Doungeon* [? New Fleet prison] for the space of two hours; or else every person so offending to pay 6^{d} for every time. And if they have not [wherewithal] to pay, then the parents or masters of such persons so offending to pay the said 6^{d} or to suffer the like imprisonment.[68]

Court held 8th October, 25 Elizabeth (1583).

Catchpoll, William Read the younger. [The "ale-founders" or "ale-conners" are here called "ale-tasters," their modern title.]

Hulton.

John Hultown [Hulton] is departed &c., and Randle Hilton [*sic*] is his son and heir and of lawful age &c.

Notice at the cross.

The jury order that the boroughreeve shall give warning two market-days at the Market Cross, according to the order heretofore made, touching the foddering of horses in the market; that Otiwell Thorpe and the wife of Philip Bexwike shall present all those men that fodder their horses contrary to that order.

Greenough.

John Greenehoughe [? afterwards Greenhalgh] of Brandlesholme Esq. is to come in &c.

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[68] See note 61 *ante*. Whether Giddy-gaddy, Cat's Pallet, and Tipping or Hurling the Ball, be one or more games, is not clear. If one, then it was most probably "tip-cat;" if two, then the second would be the old game of "hurling or hurl ball," described in detail by Strutt in his *Sports and Pastimes* (pp. 98, 99) as much played in the western counties of England in the seventeenth century.

Court held on the 20th day post festum Pasche [after the feast of Easter, i.e. Saturday 9th May, Easter Sunday in 1584 being the 19th April], 26 Elizabeth (1584), before RICHARD SWINGLEHURST, *Esq., Steward of the same.*

Weddings and ales.

An order made at a Court Leet in the 6th Elizabeth [1564] as to wedding dinners, ales, &c., is set forth and confirmed, with the consent of the Right Hon. the Earl of Derby; and the jury doth now order that no person inhabiting within this town or the precincts &c., being requested to any wedding dinner forth of the town, shall pay at the same above 6d, on pain of 6s 8d. If any person [that] shall make, or take to make any wedding dinner within this town or the liberties of the same, shall take above 6d for a *poule* [a poll, *i.e.* 6d per head] he shall forfeit 20s.[69]

Inmates and beggars.

Whereas there is an order made by the jury in the 24 Eliz. [1582] touching inmates and for the avoidance of strange beggars and women with child &c. coming into us forth of other places; wherewith the town is being sore pestered and burdened, the jury doth now order that the said order shall be in full force, &c.

Single women.

Whereas great inconvenience is felt in this town, that single women, being unmarried, be at their own hands, and do bake, and brew, and use other trades, to the great hurt of the poor inhabitants having wives and children, as also in abusing themselves with young men and others, having not any man to control them, to the great dishonour of God, and evil example to others; — in consideration whereof the jury doth order that no single woman unmarried shall be at their own hands, or keep any house or chamber within this town, after [Christmas] next, 6s 8d and imprisonment at the discretion of the steward, the boroughreeve and constables. Any single woman [that] shall sell any ale or bread, or any commodity, by any device or collusion, to the hurt of the

[69] Here we find the jury yielding so far to public feeling as to raise the price per head at a wedding-dinner from *4d.* to *6d.*

poor inhabitants and householders, after the feast of All Saints [November 1] next shall forfeit the said bread, ale, or other commodities, so to be sold or set *asale* [on sale] and further to be punished as above said.[70]

Mastiffs. Ban-dogs.

Whereas there is great disorder and unquietness committed within the town by *mastives*, *bane-dogs* and bitches that go abroad in the town, not only to the great disquietude of the inhabitants, but also to the great danger of all the queen's people, their goods and chattels; the jury order that from and after the feast of St. Luke [October 18] no mastiff, bane-dog or bitch of mastiff, above the age of six months, shall go abroad loose within this town, unless the said dogs and bitches be well and sufficiently muzzled, so as the said dogs may not hurt any of the queen's subjects, their goods and chattels, 2s.[71]

Collection. Weights and measures.

Whereas there is an order made concerning weights and measures, and that there is some money gathered by the myse-gatherers, for the buying of the said weights and measures; therefore the jury doth further order that the said myse-gatherers shall make their accounts, and bring the said money and the books to the boroughreeve now being, and that the boroughreeve shall deliver the said books to the myse-gatherers now appointed, who shall see the said money now unreceived to be gathered, and thereupon to deliver all such money to the boroughreeve as they shall receive, with the names of all such as shall refuse to pay the said money; and the boroughreeve to see the said money bestowed according to the said order.

[70] A singular order this. To prevent abuse of liberty by immoral women, the jury prohibit honest trades to all unmarried women in the town.

[71] The muzzling or confining of large and fierce dogs, especially during the "dog-days" (from the latter part of July to the beginning of September) has continued to the present time, being of late years deemed necessary to guard against hydrophobia. It is not so many years since those dogs found loose and unmuzzled in the streets of Manchester were struck down with a heavy hammer and killed in the streets, or captured and killed in the town's yard, Clarence-street, by dropping prussic acid upon the tongue. Now a more merciful treatment prevails; and the public drinking fountains in the streets are usually provided with a small trough near the ground, that dogs, sheep, &c. may drink freely in hot weather.

Court held . . . . . [Michaelmas, 26 Elizabeth, 1584].[72]

Catchpoll, John Reynshall [a form of the modern Renshaw].

[Amongst the officers are "*Birlamen*" for Mylnegate and Tod lane. If so spelled it means Fox lane. It is the same now called Todd street][73] Tod lane.

It is presented to the jury that upon St. Matthew's day [September 21] being the fair day, there was an assault made and weapon drawn within the church-yard. The constables had the parties before them since, but hath made no presentment unto the jury. Affray at the fair.

The jury present that there was a brawl made, and blood drawn, upon the watchmen. The constables had the parties before them that made the brawl, and have made no presentment; therefore we present them [the constables] to have been negligent in doing their duty. Assault on watchmen.

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[72] A leaf is here wanting, which contained the heading and date of the next leet court, which was that of Michaelmas 1584; but it seems to have had nothing upon it but a heading, for the following leaf (100) begins with the names of the officers thereat appointed and elected.

[73] See note 61, p. 68 *ante*. By-laws (*bilagines*, from the Gothic *by*, pagus, and *lagen*, lex) are laws made *obiter*, or by the bye; such as orders and constitutions of corporations, for the governing of their members; those of Courts Leet and Courts Baron; commoners or inhabitants in vills &c., made by common consent, for the good of those that made them, in particular cases whereunto the public law doth not extend; so that they lay restrictions on the parties, not imposed by the common or the statute law. In Scotland they are called laws of *birlaw*, being made by judges or arbitrators between neighbours, called *birlaw-men*. (*Jacob.*) The freeholders in a Court Leet may make by-laws relating to the public good, which shall bind every one within the leet. (2 *Danv.* 457.) A Court Baron may make by-laws by custom, and add a penalty for the non-performance of them. But all by-laws are to be reasonable; and ought to be for the common benefit, and not private advantage of any particular persons; and must be consonant to the public laws and statutes, as subordinate to them. (*Godol.* 79.)

Court held 15th April, 27 Elizabeth (1585).

Impotent burgess.

The jury find that John Devias of Sale within the county of Chester, being impotent and blind, and not able to do his service unto the lord of the manor, by reason of the same infirmity, hath come into this court and hath given over his burgage and lands unto his son John Devias in open court, before Mr. Steward and the officers of the said court.

Strangers in lodging houses.

The order of the 24th Elizabeth (1582) as to strangers, being inmates, is with one consent declared to remain in force. Further, if the landlord do not give his tenants [notice] to avoid his lands, and do his endeavour and best service to avoid the same tenants within six months after the order; then we order that the same landlord, or lord of the same house or tenement, shall incur the pain [penalty] for every six months suffering the same tenants dwelling there, having such warning, of 20s.

Conduit officers. Nuisances.

All the orders heretofore made concerning the Conduit shall stand and be of good effect. And we order and make James Bradshall and John Sympson the officers to see the same orders put in execution, for washing of clothes, dressing of calves' heads, or scour[ing] of any vessels, or any meats of beasts &c.

Enclosing in Collyhurst.

The jury present James Barlow to have inclosed upon the common of Collyhurste to the value of eight acres, or thereabouts, by estimation.

Orders for good government.

All orders heretofore made, concerning the good government of the town, as well concerning watchmen, persons for taking pledges of strangers, for brawls and other abuses, to stand and remain in full force. And we the jury request Mr. Steward and the rest of the officers, in [cases] where the faults do remain unpresented and unpunished, to see the same put in execution. *Teste* Carolo Leigh, clerk of the court.

Constables' Accounts.

Constables' Accounts.

[On what has been a blank page, facing folio 104, four entries

have been made, at various times and in different ink, relating to the constables' accounts, and the transfer of the balance of moneys remaining in the hands of out-going constables, to their successors].

A.D. 1578. Richard Tipping and Thomas Aynesworthe came and made their accounts to Rafe Proudlove and Richard Moreton, their successors, according to an order made before time; and delivered unto their hands a sum of 6^{s} 8^{d} being money left in their hands.

A.D. 1579. Ralph Proudlove and Richard Moreton make their accounts and deliver 8^{s} 6^{d} to their successors.

A.D. 1582. Ralph Sorocoulde and Thomas Brownsworthe made their accounts to the jury, "and the town did rest in their debt, 24^{li} 4^{d}."

A.D. 1582. Thomas Goodyeare and Edward Hanson paid to Henry Pendelton, one of their successors, 6^{s} 9^{d}, for which Pendelton gives his receipt.

Court Leet and View of Frank-pledge of JOHN LACYE, *Esq., Lord of the Manor of Manchester, held 7th October, 27 Elizabeth* (1585), *before* RICHARD SWINGELHURST, *Gent., Steward.*

Catchpoll, John Chollerton.

[As a curious specimen of the court entries of the day, we give one of this court *literatim*:]

"Qui Jur. presentant quod est una equa coloris white-grey, something flay-bitten, etatem septem annorum sive plus, que veniebat infra [used for *intra* says Du Cange] hanc villam, extra hora, Octavo die mensis Junij, anno regni dominæ Elizhæ nunc xxvj° pretii xxvj solidorum et octo denariorum, et remansit in custodia Ballivi vel Seneschalli, per spacium unius anni et unius diei tres proclamationes, per hos seperales dies factas secundum formam statuti, — Ideo proprietas ejusdem Eque est in domino hujus manerij." A stray mare.

[Which may be rendered:]

"Which jury present that there is a mare of white-grey colour, something flay-bitten,[74] seven years old or more, which has come within this town out of hours [not within the allowed hours] the 8th day of the month of June in the 26th year of the reign of our Lady Queen Elizabeth now reigning, worth 26s 8d, and it hath remained in the custody of the bailiff or the steward, for the space of a year and a day, after three proclamations, made on three several days, according to the form of the statute. Therefore the property of the same mare is in the lord of this manor."

Strangers buying fruit.

No stranger not inhabiting within this town shall buy any apples or other fruit before nine o'clock in the forenoon, and that they shall not retail any being bought of the same day. And the jury also do order that no inhabitant within the town shall buy any apples or other fruit and sell them by wholesale of the same day; or by any colour [pretext] do buy for any stranger, on pain to forfeit the same apples &c., two parts of the same to the lord of the manor, and the third part to those that shall find the same.

Watchmen sworn.

Whereas there is an order heretofore made in anno Elizabethæ vicesimo (20 Elizabeth, 1578) concerning the good government and good behaviour of the watchmen, that shall at any time watch for the service of the queen's majesty or the safety of the town, and the same order to be read at every Court Leet, — We order that it shall stand in effect, and also be read every Leet Court. And further that the constables shall give the watchmen their oath in their own persons; and in their absence they being out of the town or otherwise *letted* [hindered] by weighty affairs, they or either of them hereafter shall appoint a sufficient man, such a one as hath borne the office of a constable, to give the watchmen their oath and charge, 10s.

Ley for weights and measures.

The jury doth order with one consent and greement that the miselayers, taking unto them four of the burgesses of the town, shall assess and set down the sum of 5*l.* to buy and provide weights and true measures, to belong to the town; and the said sum of

[74] Flea-bitten, *i.e.* of a dark speckled or spotted colour.

5*l.* to be gathered by the mise-gatherers, and the same to be delivered unto the boroughreeve, to buy the same weights; and the same to be done before Candlemas [February 2] next. And we further order that as well all those that occupy shops within this town, dwelling out of this town [? country dealers opening shops on market days] shall bear and be assessed, and pay their money they shall be assessed unto, as other the inhabitants of this town do pay.[75]

Orders confirmed.

The jury order that all the orders heretofore made, as well those that concern inmates, as for watches, for amendment of pavements anends the doors, as for swine going abroad in the streets, as foddering of horses in the market, unlawful games, and drunkards being in alehouses, and all other misorders which any order is made for amendment and reformations; — that the same orders shall stand and remain in force; and they crave of Mr. Steward that the same orders may be read in the court and put in execution.

Court Leet and View of Frank-pledge of JOHN LACYE, *Esq., Lord of his Manor of Manchester, held 7th April, 28 Elizabeth* (1586), RICHARD SWINGELLHURSTE, *Steward.*

Market lookers, weights, &c.

The order of the last court as to weights and measures not being as yet performed, the jury order that it shall be executed before St. John Baptist (June 24) and appoint [four burgesses] to be aiding and assisting for the laying of the said money, 10s. The market-lookers for the time being shall have the custody and charge of the said weights and measures, for the commodity of the whole town of Manchester; and the market-lookers, for every

[75] On former occasions the standard weights and measures of brass had been provided by the lord of the manor; but whether he had of late declined to renew them or that, the town increasing in importance and wealth, the jury deemed it best to buy these at the public and common cost, must be left to conjecture.

weight that is tried by them and sealed up according to the standard to have and receive for the sealing and allowing thereof one penny.

Stricken half hoop.

The standard half-hoop [*i.e.* half-peck] is broken and greatly decayed; in consideration whereof we order that the same measure shall be made new, according as it hath been fully heretofore upheaped, being now from henceforth stricken [*i.e.* levelled] and all other things that have been measured [upheaped] shall be measured by the like measure stricken, 6s 8d.[76]

Washing at the Conduit.

No inhabitor nor any servant shall neither wash nor scour at the Conduit, nor in any street within the town of Manchester, 12d. Two officers [named] and the scavengers in every street to present the same.

Becke. The Over Ackers.

There is a by-land ploughed up by Anne Becke, widow, which by-land lyeth between the lands of our sovereign lady the queen and a certain parcel of land now in variance betwixt the said Anne Becke, widow, and Thomas Becke, gentleman, which land lyeth in

[76] It was a great change for the better, the passing from upheaped to stricken measure. *Magna Carta*, cap. 25, ordains "that there shall be but one measure throughout England, according to the standard in the Exchequer." From this other standards were made for all cities, market towns and villages, which were anciently kept in the churches. Even in Saxon times, nearly a century before the Conquest, a law of Edgar enjoined that the one measure, which was kept at Winchester, should be observed throughout the realm. Most nations have endeavoured to regulate the standard of measures of length by comparison with parts of the human body; as the palm, the hand, the span, the foot, the cubit, the *ulna* (or arm), the pace, and the fathom. But as these are of different dimensions in men of different proportions, it is said (by William of Malmesbury and Sir Henry Spelman) that Henry I. commanded that the *ulna* or ancient ell, which answers to the modern yard, should be made of the exact length of his own arm. One standard of measures of length being gained, all others are easily derived from thence; those of greater length by multiplying, those of less by subdividing that original standard. Thus, by the statute called "Compositio ulnarum et perticarum," five and a half yards make a perch; and the yard is subdivided into three feet, and each foot into twelve inches, which inches will be each of the length of three grains of barley. *Superficial* measures are derived by squaring those of length, and measures of *capacity* by cubing them. The stricken or level measure was enjoined by the statute of 2 Henry VII. cap. 4 (1495-6) which required that there be but only eight bushels *razed* [levelled] and stricken to the quarter of corn.

a close called the Over Ackers; wherefore we do further order that the same by-land shall be amended or laid down by said Anne Becke &c., 10s.

The pavement in the Market Stede Lane anendste the houses of Richard Gee, Thomas Byrom and Cycelye Pendleton, widow, is broken, and not as yet paved. To be amended &c., 6s 8d. Market-street pavement.

There are divers breaches in the streets and causeways, for want of paving, within the streets of the town &c. To be amended &c., 3s 4d.

The scavengers in every street shall present the defaulters at the next court, 3s 4d.

No butcher or other person shall buy any flesh, fish or any other victual within the town by gross [wholesale] and sell the same by retail the same day, 10s. Wholesale and retail.

John Witton shall keep the keys of the Conduit, and to unlock the same at six o'clock in the morning, and to lock it up at nine in the evening between St. Michael and Annunciation of Mary [29th September and 25th March], and from the Annunciation to the feast of St. Michael, to unlock the same at six o'clock in the morning, and it so to continue open till nine the same forenoon; and then to lock it up till three in the afternoon, and at three to be opened and so to continue till six, and then to lock it up till six in the morning, according to an ancient order made in Anno Domini 1536 (28 Henry VIII.) Keys of Conduit.

No butter or suet shall be put in cakes from and next after the 20th of this present April, 10s. Four officers [named] to see the same executed and performed. If any of them refuse to be sworn, to forfeit 20s. Mem: That the said officers were sworn before Mr. Steward, 13th April, 1586. *Teste* Carolo Leighe, clerk of the same court. Butter and suet in cakes.

The jury revive and confirm all former good orders.

The above are entries of the last Court Leet recorded in this volume. Upon its remaining pages, various memoranda have been Various memoranda.

entered from time to time, which we copy. After two blank pages, there follow two other pages [110 verso and 111 recto] with a memorandum at the top of each, and the space below it blank:

The fifteenth. *The amount of the Fifteenth*[77] *payable by Manchester.* — "MANCHESTER. *Memorandum:* That holle fiftene of the said town of Manchester and the *hamell* or *hamella* [hamlet] de Bulhangs [?] due to the Queen's majesty, at every holle fiftene granted, ys the some of Thre powndes Seyven shyllynges."

[The memorandum on the *recto* of leaf 111 also relates to this tax:]

A surplus. "*Memorandum.* — That the 29th day of November in the 14th [?] year of the reign of our sovereign lady Elizabeth Queen of England (1571), That the surplusse of the fiftene then gathered by Edmund Meyers and Thomas Kynesworth, being the some of thruttene shyllinges foure pence, remaineth in the hands of Robert Buckley, one of the Constables there, for the use of the charge of the town, and to be accountant to the Steward and worshipful of the towne. Be [by] me, ROBERT BUCKLEY."[78]

Leaf 129 *recto*[79] contains the following memoranda: —

Orders for weddings &c. "Good orders for marriages, by the consent of Edward Earl of Derby, then High Steward of Manchester, and the Burgesses, jury, and inhabitants of the same town: —

"*Apud Cur. tent. ib'm* in V° (before the Court held in the same place in the 5th Elizabeth, and in 7th, 17th, 18th and 23rd Elizabeth" (*i.e.* in 1563, 1565, 1575, 1576 and 1581).

[In another hand is written] "Two letters of my Lord Derby to confirm the same." "An order for servants [not] to be abroad in

[77] The nature of the fifteenth is fully explained in *Mamecestre*, p. 610. In 1565-6 (8 Elizabeth) it amounted to 120,000*l.* for the whole kingdom. It was the fifteenth part of a certain fixed value upon a town collectively.

[78] Robert Buckley, jun., was one of the constables in 1571, and Robert Buckley was the junior constable in 1590.

[79] On leaf 111 *verso* is written, at the top of the page, "100, 20, 15, leves in this boke and four letteres." The volume contains leaves numbered to 130 inclusively, and probably at one time had 135 leaves, as the above figures oddly enumerate it. Of the four letters, only two remain, those of the Earl of Derby, printed p. 114 *ante*.

the night time, in 15th Elizabeth" (1437). "An order for the accounts of the Constables to be made every year, in anno 20th Elizabeth (1578) to the next Constables, of the money levied of the town." "This book begins 6 E. 6, which was 1552, and ends 1586."

Amercements affeered.

On leaf 129 *verso*, are entries of various amercements affeered, with the amounts. They are headed: — "The 'mersement affeered by the feayreres of the Court Leet holden the 2nd day of October anno 1566." They are in a very bad hand, and do not seem worth transcribing. They are chiefly fines for "a fray made upon" some burgess or inhabitant; and the penalty is affeered at 4^{d}, 6^{d}, or 8^{d}, and so on. One is "for giving a blood-wipe [a blow causing blood] to Mr. ——'s servant, 12^{d}."

On leaf 130, *verso*, are entries of several amounts paid over by retiring constables to their successors. The amount of the first account (which contains no item of interest) is 25*l.* 12^{s}. The next is more curious, and is as follows; —

Items, constables' accounts.

"*Paid by us Constables aforesaid for the use of the Town, as ensueth:* Item paid to the hands of Mr. Edmunde Trafford and Mr. Edmund Asheton, for the making of soldiers into Ireland 16*l.* Item paid for the carriage of Richard Bordman to Lancaster 7^{s} 6^{d}. Item, more for the bringing of Mr. Leaver to Lancaster 7^{s} 6^{d}. Item paid James Dunslawe, for the carriage of a woman, being a cutt-purse, to Lancaster, 4^{s} 6^{d}. *Some* [sum total] is 26*l.* 16^{s}. So that the town is in our debt as appeareth by the account, 23^{s} 4^{d}. Item, rest ungathered which we could not receive of the lay laid by Mr. Robart Langley and George Birch as ensueth: — Item, on the town, 11^{s} 8^{d}. Item for the *hamel* [hamlet] of Mostone, 24^{s}." [At the foot of this account are the names in the same handwriting of the two constables "Raffe Sorocoulde, Thomas Brownsword."]

On the last leaf, 131 *recto*, the entries are in a faded ink, some of them quite illegible. They are chiefly memoranda of disbursements, probably of the clerk of the court. At the top of the page appears: "The 22nd October, anno 1563 . . . . . [the rest illegible]. Geog Grist iiij binde lether that was not well tanned."

Most of the other entries are such as "Thomas Wright's wyff, 4d," apparently payments from a number of persons of small sums, none exceeding 12d.

On leaf 131 *verso*, the last page of the book, are a number of miscellaneous entries and memoranda. The following are the only ones of the least interest, after a lapse of three centuries: —

Amounts of fines, &c.

"*Mem:* That in anno 1564 in October (the amercements of the court not accounting), the non-appearance is in sum 4*l.* 9s or thereabouts. That in anno 1565 (the amercements of the court not accounting) the non-appearance is in sum 9*l.* 13s 10d. That in anno 1567, the 29th October, the amercements did not amount above 23s 1d. That in anno 1568, the 13th May, the amercements did not amount above 18s 6d. That in anno 1570, the 6th October, 12s 6d, besides non-appearance." The remainder is a mere list of names. And so ends this, the oldest volume extant, of the Court Leet Books or Records, of the Manor of Manchester.

APPENDIX I.

BOROUGHREEVES AND CONSTABLES OF MANCHESTER DURING THREE CENTURIES.

IT is probable that from very early times the lord's reeve or bailiff, or the port-reeve, or town-reeve, governed the town, and presided over the ancient court called the *Port-mote*, of Manchester. But the first time the officer is named in any document of authority is in the charter granted by Thomas Grelle to his burgesses of Mamecestre in May 1301. If, as is not unlikely, the inhabitants purchased of their lord this charter of their liberties, it may fix the period when the arbitrary rule of the lord's bailiff gave place to that of a boroughreeve, chosen by the people. The early clauses of the charter seem to point to both officers. Clause 2 refers to claims against the burgesses by the "præfectus ville," which may be rendered town- or port-reeve. Clause 11 declares that the burgesses shall choose of themselves, the "*præpositus*," (who is doubtless the boroughreeve) whomsoever they will, and may also remove the "præpositus." It is clear, that while the new officer would become the representative and head of the town and inhabitants, the lord would still retain the services of his own reeve or bailiff, who would however cease to be more than a subordinate executive officer, and no longer hold the administrative powers and almost irresponsible authority, with which he had been previously clothed by the feudal lord. The "*præpositus*" is again named in clauses 16, 27 and 28 of the charter; and the "*præfectus*" in clause 24; and under circumstances which seem to confirm the conclusion that the first was the boroughreeve of the town and the second the bailiff of the manor.

Of the earlier boroughreeves of Manchester, not even the names have been preserved. From 1301 to 1552, though in all probability they were yearly elected, not a trace of these old town-rulers remains.

In the latter year the official records of their election or appointment commence, with the first or oldest extant volume of the Court Leet books. From this source we are enabled to present (with the exception of forty-five years, from 1687 to 1731) a tolerably complete list of the boroughreeves and constables of Manchester from 1552 to 1846, when these ancient officers ceased to be elected; their functions merging in those of the mayor, aldermen and burgesses, who became in fact, by the purchase of the manorial rights from Sir Oswald Mosley, lords of the manor. The first mayor under the Municipal Corporations Act of the new charter of Victoria was also elected by the Court Leet, the last boroughreeve under the old charter of 1301; and thenceforward all the powers, privileges and duties of the boroughreeve passed to the mayor for the time being; the various charities bequeathed to be distributed by the boroughreeve and bearing his title, were thereafter styled "The Mayor's Charities," and the old feudal franchise was absorbed in the larger liberty of modern municipal law.

The election of boroughreeve and constables was yearly made by the jury of the Michaelmas Court Leet. As the elected officers served till the ensuing Michaelmas Leet, we have prefixed as the date of their term of office that year which includes ten of the twelve months in such term. Thus Robert Becke, the first boroughreeve on the list, was chosen at the Michaelmas Leet on the 4th October 1552, and served till October 1553. We assign to his term the date 1553, as including ten-twelfths of his period of office.

IN THE REIGN OF EDWARD VI.

Year.	*Boroughreeve.*		*Senior and Junior Constables.*
1553	Robert Becke	...	Francis Pendilton, Richard Shalcros
	MARY, AND PHILIP AND MARY.		
1554	Nicholas Sydall	...	Robert Holme, Robert Derbye
1555	William Hardeye	...	Edward Bibbie, John Mosse
1556			
1557	Peter Cowopp	...	William Radclyffe, Elys Hall
1558	Richard Owen	...	Alexander Massie, George Proudloffe
1559	John Gee	...	Randle Proudlove, William Hardye
	ELIZABETH.		
1560	Richard Galley	...	Robert Millers, George Traves
1561	Thomas Harrison	...	William Baguley, — Graunt
1562	Edward Rylstone	...	Thomas Wayllat, George Pakaylton
1563	Thomas Wollen	...	Robert Langley, George Birche
1564			

Year.	*Boroughreeve.*	*Senior and Junior Constables.*
1565	George Pendilton ...	John Hamilton, James Preston
1566	James Chourton ...	Roger Bexwicke, Nicholas Bexwicke
1567	John Davye ...	Hugh Shaclocke, William Hunte
1568	Christopher Grannt ...	Robert Grenealghe, Hugh Thorpe
1569	Edward Harrison ...	John Radclyffe, John Davye
1570	Ralph Proudlove, jun. ...	George Proudlove, Anthony Sheparde
1571	William Baguleye ...	Richard Gee jun., Robert Buckley jun.
1572	John Byrche ...	Edmund ———, Robert Hardye
1573		
1574	John Radcliffe ...	William Radcliffe, George Proudlove
1575	Humfrey Haughton ...	George Travys, Robert Marler
1576	George Byrche ...	Henry Gee, John Byrche
1577	John Gee ...	Christopher Grannt, Nicholas Becke
1578	John Gee ...	Thomas Aynesworthe, Richard Typpinge
1579	Robert Langley	Ralph Proudluffe, Richard Mooretoune
1580	Thomas Goodyeare ...	Thomas Brownsworthe, Ralph Sorocoulde
1581	Henry Gee ...	Thomas Goodyeare, Edward Hansome
1582	Thomas Becke ...	Henry Pendilton, Henry Hardie
1583	Henry Pendilton ...	William Radclyffe, Robert Langley
1584	George Travis ...	Ralph Jepson, John Dawson
1585	George Proudlove ...	Humfrey Houghton, Richard Nugent
1586	Richard Sorocolde ...	George Proudlove, John Gee
1587	Robert Langley ..	George Byrche, George Travisse
1588	Roger Hardey ...	John Gee sen., Anthony Mossley
1589	Roger Bexwicke ...	Richard Tipping, Ralph Haughtoune
1590	Richard Mooreton ...	Thomas Radclyffe, Robert Buckley
1591	George Travys ...	Robert Hardye, Oswald Mosley
1592	Anthony Mosley ...	Ralph Sorocolde, George Awine [Owen]
1593	John Gee ...	Henry Hardie, Richard Nugente
1594	Humfrey Haughton ...	Henry Gee, Robert Diconson
1595	Robert Langley ...	Thomas Goodyeare, George Typpinge
1596	George Typpinge ...	John Gee, Nicholas Hartley
1597	Oswoulde Moseley ...	Anthony Moseley, Samuel Chetham
1598	Thomas Goodyeare sen....	Richard Foxe, Christopher Downes
1599	Richard Nugente ...	Adam Smythe, Richard Hallywell
1600	Richard Foxe ...	Adam Hollande, William Hardye
1601	Nicholas Harteleye ...	Robert Diconson, William Standley
1602	William Radclyffe ...	Thomas Goodyeare, Robert Hilton
	JAMES I.	
1603	Robert Langley ...	Nicholas Hartley, Alexander Radclyffe
1604	George Typpinge	*Prima electio* (1st election): Anthony Mosley, Adam Smythe; *Secunda electio* (2nd election): Christopher Downes, Robert Goodyeare
1605	Alexander Radclyffe ...	James Foxe, John Bowker
1606	Robert Goodyeare ...	George Typpinge, Thomas Brownesword
1607	William Standley ...	Robert Robinson, John Gee
1608	Oswolde Mosley jun. ...	Lawrence Langley, John Sorocolde
1609	Francis Pendilton ...	William Boulton, Francis Locker
1610	Lawrence Langley ...	William Radclyffe, Oswold Mosley jun.
1611	Adam Smythe ...	William Standley, Edward Marler
1612	Robert Robinsonne ...	George Tippinge, Francis Pendilton

Year.	*Boroughreeve.*		*Senior and Junior Constables.*
1613	William Radclyffe	...	Alexander Radclyffe, Richard Halliwell
1614	Thomas Brownsword	...	Stephen Rodley, Roger Rogerson
1615	Francis Mosley	...	Henry Kelly, Richard Hallowes
1616	William Sparcke	...	James Foxe, Richard Mooreton
1617	Francis Pendleton	...	Edward Massye, William Lea
1618	Alexander Radclyffe	...	Thomas Owyn, Henry Johnson
1619	James Foxe	...	John Sorocould, John Gilliam
1620	Richard Foxe	...	Oswald Mosley youngest, James Lightbowne
1621	Edward Marlor	...	Richard Hallywell, Thomas Lancashire
1622	Stephen Rodley	..	Jeffrey Croxton, John Gaskell
1623	William Radcliffe	...	Francis Locker, Ralph Radcliffe
1624	Henry Keley	...	William Bell, William Wharmebie
1625	Henry Johnson	...	George Clarke, Roland Mosley
			CHARLES I.
1626	Thomas Lancashire	...	William Cooke, John Bexwicke
1627	Richard Hallywell	...	Henry Keley, Edward Holbrooke
1628	James Foxe	...	Roger Worthington, Lawrence Owen
1629	George Clarke	...	Francis Mosley, John Marler
1630	William Cooke	...	John Hartley, Robert Haulghe
1631	John Hartley	...	Richard Choureton, Michael Dickonson
1632	Rowland Mosley	...	Henry Johnson, John Gaskill
1633	William Bell	...	Thomas Lancashire, Charles Corker
1634	John Beswicke	...	Thomas Awen, Edward Johnson
1635	John Marler	...	Jeffrey Croxton, John Radcliffe
1636	Francis Mossley	...	John Beswicke, John Gryffin
1637	Samuel Tippinge	...	Lawrence Owen, William Buckley
1638	John Radclyffe	...	William Clarke, John Boulton
1639	Edward Johnson	...	John Marler, Edward Byram
1640	Jeffrey Croxton	...	Edwarde Holbrooke, Richard Lomax
1641	Michael Dickonson	...	Edward Johnson, Roger Worthington

[There are no Court Leet records for six years and a half, from May 1641 to October 1647; in the great Civil War; during which time, in all probability, no Court Leet was held.]

THE COMMONWEALTH AND PROTECTORATE.

Year.	*Boroughreeve.*		*Senior and Junior Constables.*
1648	Thomas Lancashire	...	Roger Neild, John Roberts
1649	John Marler	...	Alexander Greene, Henry Dickonson
1650	Nicholas Hawett	...	Thomas Minshull, William Sunderland
1651	Edward Johnson	...	John Wilson, Edward Gathorpe
1652	Richard Radclyffe	...	Henry Neild, Thomas Illingworth
1653	William Jackson	...	Robert Marlor, James Johnson
1654	Henry Dickonson	...	Michael Buxton, James Lancashire
1655	Robert Marler	...	Richard Meare, William Byrom
1656	James Lancashire	...	William Page, Arthur Buckley
1657	Michael Buxton	...	Samuel Harmer, Robert Fleetcroft
1658	William Byrom	...	Philip Stampe, Francis Jepson
1659	Thomas Illingworth	...	James Lightbowne, John Chorlton sen.

Year.	*Boroughreeve.*		*Senior and Junior Constables.*
		CHARLES II.	
1660	Henry Dickenson	..	Samuel Butler, William Hunter
1661	Robert Hill	...	Thomas Minshull, Ralph Poole
1662	Nicholas Mosley	...	Thomas Becke, Francis Worthington
1663	Thomas Becke	...	John Alexander, John Browne
1664	John Lightbowne	...	John Moxon, Edward Byron
1665	Richard Meare	...	William Byrom, George Booth
1666	John Hartley	...	James Diconson, John Holbroocke

[The records are wanting for about three years.]

Year.	*Boroughreeve.*		*Senior and Junior Constables.*
1670	Michael Buxton	...	Humfrey Marler, Edward Bootle
1671	John Alexander	...	William Hunter, Matthew Greaves
1672	John Holbrooke	...	John Browne, Roger Barlow
1673	Edward Bootle	...	Ralph Shelmerdine, Richard Crowther
1674	John Moxon	...	John Alexander, Thomas Shawe
1675	Joseph Higham	...	William Byrom, Matthew Wright
1676	Humfrey Marler	...	Lawrence Gardner, Francis Cartwright
1677	John Sandiford	...	John Marler, Matthew Bootle
1678	Richard Foxe	...	John Gilliam, Miles Bradshawe
1679	Samuel Dickanson	...	Roger Barlow, John Leadbeater
1680	William Hunter	...	Roger Meakin, Edward Syddall
1681	William Byrom	...	Francis Browne, Thomas Neild
1682	Lawrence Gardner	...	James Mosse, William Edmundson
1683			
1684	Thomas Shawe	...	Thomas Drinkwater, Joseph Gilman
		JAMES II.	
1685	Matthew Bootle	...	John Lyster, Samuel Lightbowne
1686			
1687	Robert Illingworth	...	Robert Alexander, John Lightbowne

[There is here an entire volume of the Court Leet records missing, which, so far as we can ascertain, never came into the possession of the corporation of Manchester. It may be that it is somewhere lying in dust and obscurity; but it has never been found. It leaves of course a great blank of *forty-five years*, which includes the entire reigns of William and Mary, William III., Anne, and George I.; and the next volume begins in the 6th George II. 1732.]

GEORGE II.

Year.	*Boroughreeve.*		*Senior and Junior Constables.*
1732	Jeremiah Bradshaw	...	Jonathan Patten, John Hawkswell
1733	Richard Davenport	...	Robert Bowker, George Battersbee
1734	Robert Bowker	...	Jeremiah Bower, Robert Fielden
1735	Thomas Birch	...	John Greaves, Edmund Neild
1736	Richard Millington	...	Benjamin Naylor, James Bayley jun.

Year.	*Boroughreeve.*		*Senior and Junior Constables.*
1737	Jonathan Lees	...	Robert Whittaker, Richard Walker
1738	James Edge	...	Joseph Gilbody, Henry Bowker
1739	Edward Byrom	...	Joshua Marriott, Samuel Acton
1740	Samuel Clowes	...	Richard Bury, Nathaniel Phillips
1741	Roger Sedgwick	...	Robert Cranmer, John Stockport
1742	John Holt	...	William Clowes, Samuel Ridings
1743	John Stockport	...	Richard Taylor, James Bothamley
1744	Jeremiah Bower	...	Miles Bower, Robert Hibbert sen.
1745	John Hawkswell	...	John Upton, Thomas Tipping
1746	— Fielden	...	Thomas Walley, William Fowden
1747	Abraham Hawarth	...	Richard Walmesley, Thomas Birch (dyer)
1748	William Clowes	...	Thomas Clowes, George Wood
1749	Miles Bower	...	Avery Jebb, John Bullock
1750	John Dickenson	...	John Markland, John Gatliff
1751	Robert Livesey	...	Thomas Johnson, Thomas Battersbee
1752	John Moss	...	Joseph Alexander, Thomas Parker
1753	Thomas Johnson	...	William Edge, James Hulme
1754	Samuel Ridings	...	James Greatrex, Thomas Chadwick
1755	Joseph Alexander	...	Thomas Tipping jun., Robert Ayrton
1756	Jonathan Patten	...	Edward Byrom jun., Miles Bower jun.
1757	Thomas Parrot	...	Otho Cooke, John Hardman
1758	Thomas Tipping sen.	...	William Starkie, Robert Gartside
1759	James Greatrex	...	James Hodson, Robert Hibbert jun.
			GEORGE III.
1760	John Markland	...	John Fielden, Joshua Marriott
1761	Thomas Battersbee	...	Charles Ford, Edward Kenyon
1762	Edward Byrom	...	Henry Fielding, John Tipping
1763	Thomas Chadwick	...	James Borron, Robert Hamilton
1764	Thomas Tipping	...	Henry Hindley, Josiah Birch
1765	John Hardman	...	Thomas Boardman, Walter Wilson
1766	James Hodson	...	George Johnson, Daniel Whitaker
1767	Charles Ford	...	Peter Crompton, Lawrence Gardner
1768	James Borron	...	John Whitaker, Edward Place
1769	William Edge	...	John Parker Mosley, Thomas Stott
1770	Robert Gartside	...	Samuel Clowes jun., Joseph Rider
1771	Samuel Clowes jun.	...	William Bullock, John Heywood
1772	Thomas Stott	...	Benjamin Bower, John Bell
1773	John Heywood	...	James Clough, Samuel Goodier
1774	Edward Borron	...	Thomas Marriott, Richard Leigh
1775	Benjamin Bower	...	Adam Oldham, Edward Hudson
1776	Thomas Marriott	...	Benjamin Luke Winter, Thomas Chadwick
1777	Daniel Whitaker	...	Thomas Starkie, William Houghton
1778	Joseph Ryder	...	Nathaniel Phillips, Thomas Walker jun.
1779	William Bullock	...	James Gardner, James Clough
1780	Thomas Chadwick	...	William Douglas, Holland Ackers
1781	Benjamin Luke Winter	...	Thomas Johnson, Thomas Potter
1782	Nathaniel Phillips	...	Richard Harrison, John Clegg
1783	Lawrence Gardner	...	George Barton, James Billinge
1784	Thomas Johnson	...	John Kersley, Henry Norris
1785	William Houghton	...	Robert Markland, James Dinwiddie
1786	Thomas Starkie	...	Peter Drinkwater, James Ackers
1787	John Kersley	...	Thos. Faulkner Phillips, Thos. Richardson

Year.	*Boroughreeve.*	*Senior and Junior Constables.*
1788	George Barton ...	Nathan Crompton, James Entwisle
1789	James Billinge ...	Joseph Beeston, Thomas Hodson
1790	Edward Peace ...	William Whittaker, John Simpson
1791	Thomas Walker ...	Thomas Stott jun., John Poole jun.
1792	Nathan Crompton ...	Henry Farington, William Mayor
1793	James Ackers ...	John Leaf, Joseph Hardman
1794	James Entwisle ...	Edward Hobson, Samuel Smith
1795	Thomas Richardson ...	Joseph Thackeray, William Hall
1796	Henry Farington ...	Christopher Marriott, William Myers
1797	Joseph Hardman ...	Thomas Boardman, Charles Wood
1798	John Poole ...	James Bateman, John Tetlow
1799	William Myers ...	John Heywood, John Jackson
1800	Charles Frederick Brandt	John Entwistle, John Baldwen
1801	John Tetlow ...	Thomas Atkinson, William Jones
1802	Joseph Thackeray ...	Richard Wilson, John Mather
1803	Samuel Smith ...	James Hibbert, Richard Rushworth
1804	Edward Hobson ...	William Fox, — ———
1805	James Hibbert ...	Richard Entwistle, John Ratcliffe
1806	William Fox ...	William Starkie, Richard Wood
1807	Joseph Seddon ...	Samuel Philips, Thomas Belcher
1808	William Starkie ...	Thomas Fosbrooke, Jeremiah Fielding
1809	Richard Rushforth ...	John Drinkwater, Peter Ewart
1810	John Ratcliffe ...	Thomas Hardman, William Garnett
1811	Thomas Fosbrooke ...	Hugh Hornby Birley, Joseph Winter
1812	Richard Wood ...	Edward Loyd, James Kearsley
1813	Jeremiah Fielding ...	William Johnson Edensor, Gilbert Winter
1814	Thomas Hardman ...	Thomas Smalley Potter, James Touchet jun.
1815	Hugh Hornby Birley ...	Thomas Williams, Joseph Green
1816	W. J. Edensor ...	Benj. Heywood Bright, William Mitchell
1817	Joseph Green ...	Nathaniel Wainhouse, Thos. S. Withington
1818	T. S. Withington ...	Thomas Salter, William Sandford
1819	Edward Clayton ...	John Moore jun., Jonathan Andrew
1820	Thomas Sharp ...	John Orford, Richard Smith
	GEORGE IV.	
1821	James Brierley ...	Richard Warren, George Hole
1822	James Brierley ...	Richard Warren, George Stopford
1823	Thomas Worthington ...	Samuel Grimshaw, Thomas Heywood
1824	Gilbert Winter ...	John Kirkman, Charles Greenway
1825	Samuel Grimshaw ...	George Neden, James Burt
1826	William Lomas ...	Charles Cross, John B. Wanklyn
1827	George Neden ...	Michael Harbottle, David Bannerman
1828	Charles Cross ...	Bulkeley Price, Samuel Brooks
1829	David Bannerman ...	Robert Ogden, John Bentley
	WILLIAM IV.	
1830	Bulkeley Price ...	Edmund Buckley, Robert Sharp
1831	James Burt ...	Thomas Birtles, Benjamin Braidley
1832	Benjamin Braidley ...	William Haynes, Henry Forth
1833	Benjamin Braidley ...	William Haynes, Henry Forth
1834	Robert Chapman Sharp...	Francis Hodgson, Edward Brooke
1835	Edmund Buckley ...	John Allen, Ralph Turner
1836	John Macvicar ...	William Neild, Jonathan Brown
1837	John Hyde ...	George Hall, J. M. Lees

Year.	*Boroughreeve.*		*Senior and Junior Constables.*
		VICTORIA.	
1838	John Brown	...	David Price, John Fergusson
1839	Thomas Evans	...	George Wood, John Woollam
1840	John Brooks	...	David Price, David Ainsworth
1841	David Ainsworth	...	Adam Roxburgh, John McClure jun.
1842	Henry Newbery	...	James Gibb, John Kenworthy jun.
1843	Thomas Worthington	...	Francis Parker, Philip Houghton
1844	John Woollam	...	Francis Parker, William James Tate
1845	John Burgess	...	Francis Parker, William James Tate
1846	Alexander Kay (1st mayor).	...	John Potter, Paul. Ferdinand Willert (aldermen of Manchester).

APPENDIX II.

SURNAMES OF COURT LEET JURORS.

THE Manchester Court Leet jury in 1552 numbered eighteen, but in later times chiefly sixteen, later still fourteen, occasionally fifteen or thirteen, but never so few as twelve. They seem to have been usually chosen from the chief burgesses of the town, and in the course of forty or fifty years, the jury lists appear to have made very few changes in the names; when the father died his eldest son or younger brother seems to have been named a juror in his stead; and usually the boroughreeve and one, if not both, the constables, were nominated from among the jury then in the box. Omitting the Christian names, which changed with generations of the same families, the following list embraces the surnames of nearly all the jurors between 1586 and 1641—a period of fifty-five years. This list may be assumed to include the surnames of most of the principal resident families of Manchester during that period, and hence to be worth the labour of compiling and the space it occupies here:

Adamson
Allyn, Allen
Asheton
Asheworth
Awyn (? Owen)
Aynscough
Baguley
Bamford
Barlow
Barnes
Beamond
Becke
Bell
Berrie
Beswicke
Bexwicke
Boardman
Booth
Boulton
Bowker
Bowring
Bradshaw
Browne
Brownsword, *or* Brownsworth
Bury
Butler
Buxstons
Byrche (*al.* Orchard)
Byrom
Chetham
Choureton
Chorlton, Chollerton
Clarke
Clough
Cooke
Corker
Crompton
Croxton
Dana
Davenport
Davy
Dicconson, Dickenson
Downes
Edge
Ellor
Fletcher
Foxe
Fryerson
Gaskell
Gee, Jee
Gilliam
Glover
Goodyear

Greene	Locker	Roscow
Halliwell	Lomax	Sefton
Hardman	Lowe	Shacklock
Hardye	Marler	Shalcross
Hartley	Marshall	Shelmerdine
Haughton	Massie	Smythe
Haulgh	Meare	Sondiforth, Sandiford
Hilton, Hulton	Mooreton, Moreton	Sorocould, Sorocolde
Holbrook	Mosley, Mosseley	Spárcke
Holland	Neild	Standley, Stanley
Howorth, Haworth	Newham	Strangwayes
Hudson	Newsam	Swarland
Hulme	Nicholson	Syddall
Hunt	Nugent	Thompson
Illingworth	Oldham	Travis, Traves
Jackson	Owen	Typpinge
Johnson	Pendilton	Walkden
Keley, Kelly	Pilkington	Walker
Kenyon	Platt	Watson
Knowles	Proudlove, Proudloffe	Wharmby
Lancashire	Pycrofte	Whitworth
Langley	Radcliffe	Willott, Willyat
Lea	Ravald	Wood
Leaver	Robinson	Woollen, Wollen
Lightbowne	Rodley	Worsley
Locke	Rogerson	Wyrrall, Worrall

The names are most of them given above in their modern form. In all there are about one hundred and thirty surnames. As in fifty-five years one hundred half-yearly courts were held, and as the jury usually numbered sixteen, though often fourteen, we have taken fifteen as the average number of jurors, making an aggregate for the whole period of one thousand six hundred and fifty jurors, bearing only one hundred and thirty surnames, or nearly thirteen jurors of every surname,—a striking proof of the small number of families from which the jurors were selected in those days.

APPENDIX III.

DEATHS, HEIRS AND NEXT OF KIN.

THROUGHOUT the old MS. volumes of Court Leet records are scattered entries of the deaths of tenants of the lord of the manor, including the holders of burgages in the town of Manchester, styled burgesses; also stating who is the heir or next of kin of such deceased tenant, and whether such heir is under age or at full age,—*i.e.* twenty-one years. Many of the earlier entries are printed in a condensed form in the present volume, including the period from 1552 to 1586. These entries constitute the oldest registers of deaths within the manor, or indeed the parish, of Manchester; for the oldest register of deaths &c. for the parish of Manchester, preserved in the parish registry at the Cathedral, commences in August 1573. For twenty-one years previously, the Court Leet book was the only register of deaths. This ancient record, as we have stated, contains in some respects more information as to the genealogy of Manchester families, and those of the neighbourhood, than can be found in any parochial register, and it has therefore been deemed that a chronological table of these deaths and heirs would be a suitable addition to the present volume. Antiquarian friends have assured the editor that these entries are valuable for the purposes of genealogy; and it has consequently been determined not to limit them to the thirty-four years comprised in the text of the present volume, but to extend the list to all entries within the three oldest MS. Court Leet books; in other words, to include all entries found in these books from the year 1553 to 1686. After the latter year the entries in the Court Leet books cease to be made with any regularity or accuracy; while the parochial registers from that date are more carefully kept, and contain more precise information. It seems, therefore, fitting to close the list with the year 1686, and to be satisfied with giving to the reader an ancient register

of deaths, heirs and next of kin, during a period of one hundred and thirty-three years.

Of course the table only exhibits the material facts extracted from long formal entries. The first column of the table gives the year, month, and day of the month on which the Court Leet was held, at which the particular entry or entries were made. The second column gives the name of the deceased; and, unless where a date is supplied, the death must be understood to have occurred within the half-yearly interval since the last preceding court, — *i.e.* between Easter and Michaelmas, or between Michaelmas and Easter. The usual form of entry in the book is "that so and so hath departed since the last Court Leet," &c. The third column gives the name of the heir, when known, and his or her degree of relationship to the deceased, whether son or daughter, wife, brother, sister, &c. The term "cousin" is used in a wider sense than at present, meaning almost any other degree of kinship than those just enumerated; the words "next cousin" mean merely nearest or next of kin. In this column, unless where a difference of spelling occurs, the surname is omitted, which must always be understood to be the same as in the second column, unless otherwise distinctly expressed. In the fourth column is given the age of the heir when known; but the most common forms in the entries are, "that he is of lawful age" or "of full years," or "under age." In all cases of surnames, and in most Christian names, the exact spelling of the entries has been adhered to.

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1553			
Oct. —	Edward Janney	"not yet known" ...	
	Humfrey Harte	John, son	lawful
	Stephan Holme	Robert, son	—
	—— ——	Robert Dryhurst, Chester ...	—
Mar. 29	John Platt	Richard, son	—
1554			
Dec. 21	Richard Shalcrosse	Elizabeth, daughter ...	—
1555			
Oct. 6	William Mylnegate	unknown	
1556			
Apr. 9	Rauff Trafford, Esq. of the Garret.	unknown	
	William Hulton, Donnyngton ...	George, son	20
Sept. 30	Phillipp Strangwayes, Esq. of Donnyngton ...	William, son	lawful
	John Grenealghe, of Brandylhulme, Esq. ...	Thomas, son	—

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1556			
Sept. 30	Henry Tetlowe	Thomas, son	under
	Thomas Pilkinton	Margaret, daughter	—
	Thomas Tyldesley, of Wardeley, Esq. ...	Thurstan, son	—
1557			
Apr. 21	Robert Becke	Thomas, son	—
	William Mylnegate (*see* p. 180) ...	Edmund Benbrigge, son-in-law	—
	William Hulton, of Ferneworth, Esq. Nov. 10 ...	William, son	—
	Robert Hindeley. Nov. 21 ...	Hughe, son	4 years
	Rauff Haughton, of Aspull. About Oct. 12 ...	Rauff, grandson	14 yrs.
Sept. 30	Richard Barlowe	Robert, son	lawful
Mar. 29	William Hardey	Robert, son	—
	Sethe Galley	Richard, son	—
	Thomas Walker	John, son	—
	Richard Sydall	Edward, son	—
	Lawrence Langley	Robert, son	—
	Rauff Pedley	Edmondde, son	—
	George Byrom	Rauff, son	—
	Robert Cleyden	Richard, eldest son	—
	Peter Cowopp	Isabell, coheiress	—
	Richard Blomeley ...	Elizabeth, daughter, afterwards marr. Thos. Harrison	—
	Rauff Trafford, of the Garret, Esq. (For date of death, *see* p. 180, April 1556) ...	Gilbert Gerrard, Esq. Thomas Lee, and Isabell his wife ... Randill Clayton, and Thomason his wife ... Hughe Traves, and Ann his wife; and Alice Trafforde ...	not stated
1558			
Oct. 4	Jamys Hulme, of Deaf [Davy] Hulme, gentleman ...	Jamys Home, son	lawful
	Richard Brownesworde	Richard, son	under
	George Devyas	John, heir	lawful
	John Harte	Michael, heir	under
	Genet Sydall, widow of Nich. Sydall	Robart, son	lawful
	Richard Sydall	Thomas, son	under
	John Reddiche, Esq.	John (son of Gott Reddiche, cousin) ...	lawful
	Katheryn, widow of Hamnet Massye	Randulph Massie, son ...	—
	Henry Radley, ...	Rauff, son	under
	Elizabeth, widow of Wm. Birche ...	George, son	lawful
	Myles Gerrard, Esq.	William, heir	—
	Rauff Assheton, Esq.	Rauff, son	—
	John Bamforde	Anne, daughter	under
	William Bradshaw, of Aspull Peter Anderton ... Roger Hindeley ... William Singulton ...	no heirs named	

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1558			
Oct. 4	William Browen	Stephen, son	lawful
	Gilbarte Culchethe	John, heir	—
	John Cowop ...	John Birdesley (in right of Margaret his wife) and Isabell Colynson, heirs	—
1559			
Apr. 18	William Ravalde	William, son	20
	Heir of Cleyden Hall, Manchester	Richard Cleyden	lawful
1561			
Apr. 10	Richard Brownesworde	Richard, son	—
	Rauff Gepson	Nicholas, son	—
Oct. 1	John Gee	Henry, son	—
	Margaret, widow of Hugh Diconson	Edmonnde, son	—
1562	Sir Robert Langley, Knt.	Maistress Anne Langley, daughter ...	lawful
Apr. 15	Thomas Jacsone	his wife	—
1563			
Apr. 6	Edward Rilstonn	Jamys, brother, next cousin ...	—
1565			
Sept. 18	Harry Rodlay	Raphe, son	20
1566			
Apr. 3	Rauffe Radlay ...	Rodger, brother, and next cousin ...	lawful
	Thomas Hollande, of Clyfton, gentleman ...	William, son	—
	Edmund Traford, Knt.	Edmund Traford, Esq., son ...	—
	Thomas Worthenton, Esq. ...	Richard Worthintonne, son ...	18
	Thomas Kirkbye	John, son	full
Oct. 1	Sir John Biron, Knt.	John Biron, Esq., son ...	—
1567			
	Thomas Harrison, of Stretforde ...	unknown	
Apr. 26	Do. do. ...	Thomas, son	lawful
1568			
Oct. 6	Richard Chourlton	Edward Chorletone, son ...	—
	Edward Janney	Edward Alen, next cousyn ...	—
1569			
Apr. 14	Nicolas Sidall	Robarte, son	—
Oct. 5	Richard Sidall, of Withington ...	Thomas, son	—
	Oliver Bowker, of Moston ...	Edward, son	—
	William Strangwayes, gentleman ...	Thomas, son	—
	Thomas Jacson	Thomas, son	—
1570			
Oct. 4	Ambrose Pycrofte	Richard, brother	full
	George Hall	Jeffere, son	—
	Edward Hollande, Esq.	Richard, son	—
	"My Ladie Bruerton"	Richard, son of Jeffery Bruerton	under
1571			
Apr. 19	Thomas Shacklocke	Robart, son	lawful
	Edwarde Butterworthe	unknown	
	Edwarde Moseley	Oswoulde, son	—
Oct. 3	Steven Becke	William, son, heir apparent ...	under
	James Chetame	Henry, son	lawful

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1572			
Oct. 1	Thomas Chatertone	George, son	lawful
	Adame Hylton, of the Park, Esq...	William, son	—
	Roger Radley	Robert, heir	—
	Edw. Butterworthe, of Belfield, Esq.	Alexander Butterworth, son ...	under
	Robert Benbridge	William, son	lawful
	Edmunde Slade	Raphe, son	—
1573			
Mar. 26	William Baguley	James, son	—
	John Davie	Anne, daughter	16
	John Pendilton	Edmunde, son	lawful
	Edward, Earl of Derby	Henry, son	full
Sept. 30	Richard Hunte	Richard, son	full
1574			
Apr. 15	John Pendleton	Edmunde, son	—
	John Chetame, of Nuthurste, gent.	Henry, son	—
Sept. 30	Francys Pendleton	Henry, son	—
	Randle Hylton, Sunderland ...	John, son	—
	Robert Becke	Thomas, son	—
	John Bradshawe, of Bradshawe, gent. ...	John, son	—
1575			
Apr. 7	Richard Pycrofte	Thomas, son	under
	Peter Sedon	Raphe, son	unkwn
	John Glover ...	William, son	lawful
		John, younger son	unkwn
1576		Robert, son	under
Apr. 26	Nicholas Nicholson	[blank]	
Oct. 2	Thomas Grenehalghe, of Brandlesome ...	John, son	lawful
	John Grymsdiche, one of the feoffees of Laurence Ashall	[blank]	
	John Boothe, of Barton, Esq. ...	[do.]	
1577			
Apr. 11	Henry Chetham, Nutthurste, gent.	James, brother	under
	Thomas Massie, of Wickelswicke, Esq. ...	Thomas Massie, son	—
Sept. 30	Thomas Willott	Edmonde Willot, son ...	—
	James Gilliam . .	John, son ...	full
		Hughe, one of the heirs	
	Thomas Lighe, of Highfield ...	name and age of son unknown	
1578			
Apr. 3	George Byrom	Thomas, one of the heirs ...	—
	Edmunde Prestwyche, Esq. .	Isabell his wife, during life, with remainder to Edmund, heir male ...	—
	William Bibbie	James, brother	lawful
Oct. 7	George Proudlove	George, son	—
	John Haughton	Raphe, son	under
1579			
Apr. 23	James Rillston	Edward, son	—
	Robert Oldham	Adam, son	lawful

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1580			
Apr. 7	Hughe Travys	Hughe, son	—
	Sir William Boothe, Knt. ...	(name unknown), son ...	under
Oct. 5	Robert Burton, Esq.	William Rauffe Burton, son ...	lawful
	Edw. Allyn	Henry, brother	—
	Rauffe Proudlove	Rauffe, son	under
1581			
Mar. 30	Michael Harte	[the heirs to prove]	
Oct. 6	John Orrell, of Turton, Esq. ...	William, son	full
1582			
Apr. 19	Nicholas Becke	Thomas, son	under
Oct. 9	Edwarde Buckley	James, son	lawful
	Richard Streete	William, son	under
1583			
Apr. 4	Robert Marler ...	Henry Pendilton, in right of Elizabeth his wife, Marler's daughter ...	full
Oct. 8	John Hultonn	Randle Hilton, son	—
1584			
Oct. —	Edw. Hanson	Richard, son	—
1585			
Apr. 25	John Devias, of Sale, [not dead, but] impotent and blind	John, son	—
	George Travysse	George, son	—
	Thomas Harryson ...	Elizabeth, wife; and Robert, son ...	—
Oct. 7	Edmund Diconsonne, of the Mosse Side ...	Michael, son	—
	George Worrall ...	Henry Francis, son; and George, son ...	—
1586			
Apr. 7	Henry Pendleton	Frauncys, son	under
	John Byrche	George, son	—
	George Pendleton ...	Ciceley (wife to John Croxton gent.), daughter ...	—
	Edw. Bowker	Geffrey, son	unkwn
Oct. 6	Richard Jee, clothier, Manchester	Elizabeth Jee, daughter ...	lawful
	Ranulph Wynnington, of Overton	Raphe Wynnington, son ...	—
	John Radclyffe	Alexander Radclyffe, son ...	under
1587			
Apr. 20	William Ravalde, Kersall ...	William Ravalde, son ...	—
	Richard Galley	Richard Galley, son	full
Oct. 4	Lawrence Robinson	Robert Robinson, son ...	under
	Henry Wirrall	Robert Wyrrall, son ...	—
	Robert Syddall	Robert Syddall, son ...	—
1588			
Apr. 11	Edward Syddall	George Syddall, son	lawful
	Richard Hunte	John Hunte, son	under
	Thomas Becke	Randall Becke, son	—
	Thomas Brownsworde	T. Brownsword, son	—
1589			
Apr. 3	Raphe Proudlove	heir not known	
	Richard Shackelocke	Edward Shaclocke, son ...	lawful

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1589			
Apr. 3	John Gee	John Gee, son	lawful
	George Streete, of Moston ...	heir not known	
	[Father's name not given: son, on reaching 21, required to do suit] ...	Geoff. Bowler, Moston ...	—
		Edmd. Willotte, Manchester...	—
		Alex. Butterworth, of Belfield, gentleman ...	—
1590			
Apr. 23	Roger Kenyon, Kirkmanshulme ...	Thomas Kenyon, son ...	65 yrs.
	Edmund Trafford, Knt.... ...	Edmund Trafford, Esq., son...	full
	John Radclyffe, Knt.	Alexander Radclyffe, Esq., son	under
	Thomas Leigh, Esq., High Lee ...	George Leigh, cousin ...	lawful
	Thomas Haughton, Esq., Lee ...	Thomas Haughton, son ...	under
	Thomas Strangwaies, Esq., of Strangwaies ...	John Strangwaies, son ...	—
	William Hollande, Esq., Clifton ...	heir not known	
	Michael Dikonson	Michael Dikonson, son ...	—
Oct. 1	Edmund Willote, gentleman ...	Isabel and Mary Willote, sisters	
	John Glover	Robert Glover, brother ...	
	William Hollande, of Clifton (*see page* 182) ...	Ellnor, sister (wife of Raphe Slade) ...	
1591			
Oct. 6	Allan Hulton, Esq., Farneworthe	George Hulton, second son and heir ...	
	Thomas Massye, Whitlewicke ...	-- Massye, daughter	—
	Adam Crompton	James Crompton, son ...	
	Alis Pendelton ,...	Ciscelye, daughter (wife of John Croxton) ...	
1592			
Oct. 5	Christopher Anderton, Esq. ...	James Anderton, Esq., son ...	full
1593			
Apr. 19	Thurstanne Heskyn	Nicholas Heskyn, son ...	
	John Walker, Didisbury ...	Thomas Walker, son	full
	Jane Hyde	John Marler, son	—
	Adam Byrom	Rauffe Byrom, cousin ...	—
	Richard Tippinge ...	Richard Tippinge, son of John Tippinge, one	under
		Samuel Tippinge, his own son, another ...	full
	Raphe Byrche, *alias* Orcharde	Thomas Byrche, *alias* Orcharde, son ...	—
	Richard Hanson	Edw. Hanson, Esq., son ...	under
	Rauffe Barton, Esq.	Randulphe Barton, son ...	full
	Robert Marler	Edw. Marler, nephew ...	—
	George Wyrrall	Henry Worrall, son ...	under
Oct. 4	Right Hon. the Earl of Derby ...	Right Hon. Ferdinando, son ...	full
	John Culcheth, Esq., Culcheth ...	John Culcheth, Esq., son ...	—
	Richard Platte	Edmund, son of John Platte...	under
	George Proudlove	heir not known	
	Richard Typpinge	Samuel Typpinge	
	Hugh Gylliam ...	John Gylliam, *alias* Whitle James Gylliam, *alias* Knotte	full
	Thomas Strangwayes, Esq. ...	John Strangwayes, Esq. ...	—

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1594			
Apr. 4	George Proudlove (*see* p. 185) ...	George Proudlove, son ...	under
1595			
Apr. 24	John Gilliam, *alias* Whitle ...	James Gilliam	full
	Leonard Ashall, of the Shawe, gent.	heir not known	
	John Ainsworthe	Robert Ainsworthe, cousin ...	
	Thomas Haryson, *alias* Salter, of Stretforde ...	——, son	under
	Fardinando, Earl of Derby ...	Wm. Earl of Derby, brother...	
Oct. 2	Nicholas Jepson	Robert Jepson, son	lawful
	George Streete, Moston... ...	heir not known	
1596			
Apr. 15	Thomas Byrche, of the Byrche ...	George Byrche, son	
	Edward Ellor	William Ellor, son	under
	John Gylliam ...	his cousin and heir (wife to Caleb Taylier) ...	
	Sir John Soothworth, Knt. ...	Thomas Soothworth, Esq., son	lawful
Sept. 30	Adam Pilkinton, Salford, gent.	Adam Pilkinton, son... ... (younger sons, William, Thomas and Edward)	—
	John Assheton ...	John and James Assheton, joint heirs ...	under
	John Cowpe (dead some time)	William Radclyffe ... Roger Bexwicke ... George Byrche ...	
1597			
Mar. 31	Randle Howarth (do.)	——, son, Sharpull	full
	Richard Streete (do.)	——, son, Moston	—
	[The annexed names of heirs are when they came of age, and were required to do suit]	James Crompton	at age
		George Aynesworthe	—
		John Hunt, gentleman ...	—
		Robert Robinson, Manchester.	—
		Robert, son of Robert Sydall .	—
		heir of Thurstanne Heskyn, Wryghtington ...	—
		Samuel Openshaw, Sharpull ...	—
		Leonard Asshawe, Flixton ...	—
		William Nicholson, Moston ...	—
		Edw. Chisnall, Little Lever ...	—
		heir of Geoffrey Hall	under
Oct. 6	John Byrche	George Byrche, son	full
	Henry Aynesworth	Henry Aynesworth, son ...	—
	Thomas Lathom, Esq., Parbolte ...	Richard Lathom, son... ...	—
	Thomas Syddall	Richard Syddall, son	
1598			
Apr. 20	William Woodde ...	Margery, wife (for life) ... Raphe Wood, nephew; then to Raphe, son of Raphe	4½ yrs.
	Richard Moreton	Richard Moreton, son ...	
	George Streete, by fine to	——, daughter of Richard Gydeyn, Moston (wife to Robert Kenyon) ...	
	Thomas Haryson, *alias* Salter ...	——, son	under
	Samuel Chetam	Amos Chetam, son	—

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1598			
Apr. 20	Thomas Syddall	Richard Syddall, son	
	Ellis Hall ...	Joan, cousin (daughter of Margaret Hardye, and wife of Richard Storye)...	
Oct. 5	Thomas Syddall, of Bramall ...	Richard Syddall, son	of age
	Edmund Prestwiche, Esq., of Hulme	Edmunde Prestwiche, son ...	lawful
	Raphe Byrom	Raphe Byrom, son	under
	Humffrey Haughton	John Haughton, son	full
	Henry Gee	Edward Gee, son	—
	Henry Allyn	George Allyn, son	under
	Francis Wyrrall	Edward Wyrrall, son... ...	—
	John Crompton, gentleman ...	supposed his wife	
	Francis Nuttall	Assheton Nuttall, son ...	full
1599			
Apr. 12	Robert Hardye	Samuel Hardye, son	—
	Randall Becke	Robert Becke, brother ...	under
Oct. 4	Raphe Byrom	Adam Byrom, brother ...	—
	Edward Gee ...	Richard Shalcrosse (husband of the sister and heir)	
	Sir Alexander Radclyffe, Knt. ...	Sir Jno. Radclyffe, Knt., brother	—
	Thomas Goodyeare	Robert Goodyeare, son ...	—
1600			
Mar. 27	[Heirs of age] ...	William Streete	full
		William Ravalde	—
	William Radclyffe, gentleman ...	William Radclyffe, son ...	—
	Roger Bexwicke ...	Roger Bexwicke, of London, salter, cousin ...	—
		Hugh Bexwicke, son	—
		Miles Bexwicke, son	—
1601			
Apr. 16	John Strangwaies, Esq....	John Strangwaies, of Strangwaies, son ...	under
Oct. 8	Robert Jepson, Moston... ...	— Jepson, son	
1602			
Oct. 14	John Marler, gentleman	Raphe Hulme, and Thomasine his wife, heiress ...	full
	Robert Radclyffe, of Radclyffe	James Radclyffe, younger son (heir by conveyance of lands in Manchester)	—
	Richard Shalcrosse, the younger ...	John Shalcrosse, son	under
	Richard Latham, Esq., of Parbold	heir not known	
1603			
Apr. 28	George Lathome	Thomas Lathome, son ...	full
Oct. 6	George Byrche, of Byrche, gent. ...	George Byrche, son	—
	Randle Massye	Edw. Massye, son	—
	Henry Chetam	James Chetam, son	—
	John Asheton	James Asheton, son	—
	Thomas Walker, Didsbury ...	heir not known	
	Robert Chadwick	ditto	
	Raphe Birckened, of Chester ...	Robert Birckened, son ...	—
1604			
Apr. 19	Robert Rodley	Robert Rodley, grandson ...	—

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1604			
Apr. 19	John Scoffield, *or* Frith... ...	John Scoffield, *alias* Frith, son	full
Oct. 2	Anthony Bouker	Anthony Bouker, son ...	—
	Henrie Hardie	Samuel Hardie, cousin ...	—
1605			
Apr. 5	Lawrence Fogge ...	Richard Fogge, son; lands Darcy Lever ...	—
	George, son of John Byrche ...	heir not known	
1606			
Apr. 24	Adam Pilkinton	Adam Pilkinton, son	under
	James Lancashire	James Lancashire, son ...	full
	Thomas Byrom	Thomas Byrom, son	—
	Thomas Birch, *or* Orcharde ...	heir not known	
	Robert Wyrrall	George Wyrrall, brother ...	—
Oct. 1	Robert Langley	Lawrence Langley, son ...	—
	Adam Oldam	Robert Oldam, son	—
	Edward Eller	William Eller, son	
1607			
Apr. 9	Anthony Mosley	Oswald Mosley, eldest son ...	—
	[Heir of age] ...	Adam, son of Raphe Byrom, late of Salford ...	—
Oct. 1	James Baguley, gentleman ...	William Baguley, son ...	—
1608			
Mar. 31	William Radclyffe	William Radclyffe, son ...	—
	Alexander Radclyffe	John Radclyffe, son	under
	George Byrch, gentleman ...	heir not known	
	Raphe Byrom, gentleman ...	Adam Byrom, brother ...	full
Oct. 12	[Heir of age]	George, son of Henry Allyn ...	—
	Thomas Edge ...	Mary and Alice Edge, daughters, coheirs ...	under
1609			
Apr. 20	Richard Nugent	Walter Nugent, son	full
1610			
Apr. 12	George Hilton, Esq., Farnworth ...	heir not known	
	Nicholas Hartley	Richard Hartley, son... ...	under
	Thomas Harrison, *or* Salter ...	heir not known	
1611			
Oct. 9	George Wyrrall	Henry Wyrrall, brother ...	full
	William Barlow	William, son	
	George Byrche, gentleman ...	Thomas Byrche, son	within
1612			
Apr. 16	Henry Adamson	George Adamson, son ...	under
Oct. 1	William Orrell, Esq., Turton ...	John Orrell, son	full
	Ranulphe Barton, Esq.	Thomas Barton, son	—
	Edmund Hopwood, Esq. ...	Edmund Hopwood, grandchild	—
1613			
Apr. 8	John Strangwaies, Esq.... ...	Thomas Strangwaies, son ...	—
	John Tippinge, gentleman ...	Richard Tippinge, son ...	—
Sept. 30	James Anderton, Esq., Lostock ...	Chris. Anderton, brother ...	
	Raphe Seddon	Peter Seddon, son	—
	William Chorlton	Raphe Chorlton, son	—
	Richard Shalcrosse, gentleman ...	Richard Shalcrosse, son ...	—

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1613			
Sept. 30	George Chorlton, Bradford ...	James Chorlton, son	within
	William Hulton, jun., gentleman ...	— Hulton, son	—
1614			
Apr. 28	Lawrence Langley, gentleman ...	Robert Langley, son	under
	Walter Nugent	heir not known	
	[Heir of age]	Henry, son of George Wyrrall	full
	Mrs. Eleanor Slade, of Clifton ...	Thomas Holland, Esq., cousin	—
1615			
Oct. 5	James Chetham, Nuthurst, gent. ...	Thomas Chetham, son ...	under
	[Heir of age]	Miles, son of Roger Bexwicke.	full
1616			
Sept. 2	Edward Tickhill	Edward Tickhill, son	under
1617			
Oct. 1	Raphe Asheton, Esq., Leaver ...	Raphe Asheton, Esq., son ...	full
	George Leighe, Esq.	Thomas Leighe, one of his sons	—
	[Heir of age] ...	Samuel, son of Sam. Chetam, apothecary ...	—
1618			
Apr. 19	George Proudlove	George Proudlove, son ...	under
Oct. 8	William Glover, gentleman ...	William Glover, son	full
1619			
Apr. 1	[Heir by marriage] ...	Francis Bowker, *or* Barlicke, marr. one daughter and co-heir of the late Jno. Gilliam	—
Oct. 7	Richard Holland, Esq., Heaton ...	Edward Holland, brother ...	—
	James Chetham, Nuthurst ...	Thomas Chetham, son ...	—
	Edward Shacklocke, Moston ...	John Shacklocke, son... ...	—
	Robert Jepson	Adam Jepson, son	—
	William Asheworth, Dalton ...	Henry Asheworth, son ...	—
	Francis Nuttall, Blakeley ...	John and James Nuttall, sons	—
1620			
Apr. 27	Edmund Beamond	Edward Beamond, son ...	—
Oct. 5	Francis Wyrrall	Edward Wyrrall, son... ...	—
	Hugh Bexwicke	heir not known	
	Thomas Brownsword	Thomas Brownsword, son ...	under
	Richard Smethurst	Hugh Smethurst, son ...	full
1621			
Apr. 19	Richard Hartley	John Hartley, brother ...	—
	James Lancashire	— Lancashire, son	under
	Robert Goodyeare	heir not known	
	John Whitworth, Newton ...	John Whitworth, son ...	—
	James Lightbowne	— Lightbowne, son	—
	Francis Pendleton	— Pendleton, son	—
Oct. 10	William, son of William Glover ...	Edmund Glover, brother ...	full
	Robert Hesketh, Esq.	Thomas Hesketh, Esq., son ...	—
	[Heir at age] ...	John, son of Richard and Margaret Shalcrosse	—
	John Sorocould	John Sorocould, son	—
	George Chorleton	James Chorlton, son	—
	Robert Hulton ...	George Hilton, grandchild, and son of George Hilton son of Robert Hulton	under

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1622			
May 2	Richard Foxe	Jasper Foxe, son	full
	Raphe Whitworth, Newton ...	Richard Whitworth, son ...	—
	William Newsam	Richard Newsam, son ...	—
	Hugh Bexwicke	Richard Bexwicke, son ...	—
1623			
Apr. 29	James Buckley	John Buckley, heir	—
	Alex. Butterworth, Esq., Belfield...	Edward Butterworth, son ...	—
Oct. 9	Raphe Hulme	William Hulme, son	—
	William Hardie	Edmund, brother	—
	Richard Hunt	Richard Hunt, son	under
1624			
Apr. 8	William Ravalde, Kersal ...	William Ravalde, son ...	—
	Jasper Foxe	Richard Foxe, son	—
	John Tompson	Thomas Tompson, brother ...	full
	[Heir of age]	John, son of Alex. Radclyffe ...	—
1625			
Apr. 26	Edward Massey ...	Isabel, daughter (wife of Raphe Worsley), sole heir	—
	Adam Holland, sen., Newton	George Holland, eldest son ...	—
		Adam Holland, son	—
Oct. 6	John Sorocould	John Sorocould, son	lawful
1626			
Apr. 25	Edward Marler	John Marler, son	full
	Edward Worrall	his heir is	within
	Nicholas Peake, of Gorton ...	heir not named	
	[Heir of age]	Thomas Walker, Didsbury ...	—
Oct. 10	John Culcheth, Esq.	heir not named	
	William Hulton, Esq.	ditto	
	Peter Wallworke	Nathan Wallworke	full
1627			
Apr. 10	[Heir of age]	George Traves, Rusholme ...	—
	John Orrell, Esq., Turton ...	William Orrell, brother ...	—
	John Bradshaw, Esq., of Bradshaw	John Bradshaw, son	—
	[Heir at age]	Samuel Mosley, Garratt ...	—
Oct. 9	Henry Goodyere ...	Margaret, sister (wife of Thomas Ellingworth)	—
1628			
Apr. 29	Alexander Radcliffe, mercer ..	Thomas Radcliffe, son ...	—
1629			
Apr. 21	Edmund Prestwich, Esq. ...	Thomas Prestwich, son ...	—
	Thomas Holland, Esq., Ashton ...	Thomas Holland, son ...	—
1631			
Apr. 27	[Heir of age]	Thomas Birch, Birch Hall, gent.	—
	Richard Morton	Richard Morton, son... ...	—
	Robert Neeld	— Neeld, son	—
1632			
Apr. 10	William Wharmby, Mylnegate	Richard Hollingworth, Clarke [? clerk, and author of "Mancuniensis"] ...	—
	Captain Taylor	heir not known	
1633			
May 1	[Heirs of age] ...	Nicholas, son of Oswald Mosley	—
		Edward, son of Fras. Pendleton	—

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1633			
Oct. 8	Adam Holland, Newton ...	James Holland, son	full
	Mrs. Margaret Newgent ...	Nicholas, son of Fras. Mosley	—
1634			
Oct. 14	Robert Stones	Adam Glover, second son ...	—
	William Bell	William Bell, only son ...	—
1636			
Oct. 12	William Hunt, Milnegate ...	Edw. Hunt, son	—
1637			
Apr. 25	[Heir of age]	Richard, son of Jasper Foxe...	—
Oct. 10	Robert Heywood	Peter Heywood, heir	—
	William Ellor	Edw. Ellor, son	—
1638			
Apr. 10	William Hulme, Broadstone ...	son	under
1639			
May 7	[Heir of age] ...	William Radley, gent., son of Stephen Radley ...	full
	Richard Hallewell, vintner ...	Richard Hallewell, son ...	—
	[Heir of age]	Samuel, son of Saml. Dickinson	—
	William Buckley	son and heir	within
	Thomas Illingworth	Thomas Illingworth, son ...	—
Oct. 9	[Heir of age]	John, son of Jas. Lightbowne	full
1640			
Apr. 1	[Ditto]	George, son of Saml. Tipping	—
Oct. 13	Henry Keley	Thomas Keley, eldest son ...	—
	William Butler ...	Margaret (wife of Roger Finch, Chorley), ...	—
		Mary (wife of Richard Hunt, Manchester), and	—
		Anne Butler; his three daughters ...	—
	Thomas Ellingworth, Manchester .	Thomas Ellingworth, son ...	—
1641			
May 5	Thomas Tompson	Richard, brother	—
	Edward Cheetham	wife of Gabriel Brown ...	—
	Conveyance by Adam Byrom, Salford, to ...	Adam Byrom, his son ...	—
	[No court records between Easter 1641 and Michaelmas 1647.]		
1647			
Oct. 19	Richard Radclyffe, Esq.... ..	Richard Radclyffe, eldest son	—
	John Bexwicke	John Bexwicke, son	—
1648			
Apr. 25	[Heir by marriage] ...	Nicholas Hawet (husband of Mary, daughter of Henry Keley, gent., deceased, and sister of Thomas Keley	—
	Edward Glover	Edw. Glover, son	—
	[Heir of age]	William, son of Edwd. Byrom	—
	Owen Sorocould	John Sorocould, son	—
	John Barlow, Milnegate ...	John Barlow, son	—
Oct. 10	William Baguley	Alexander Baguley, son ...	—
1650			
Apr. 24	[Heir of age]	Michael, son of Mchl. Dickonson	—

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1650			
Oct. 9	Mrs. Margaret Newgent... ...	Edward Chetham, Smedley ...	full
1651			
Oct. 7	[Heir of age]	James, son of John Marlor ...	—
	[Ditto]	James, son of Jas. Lancashire	—
1652			
Oct. 12	Richard Halliwell	Richard Halliwell, son ...	—
1653			
Apr. 19	Robert Langley, Manchester ...	Robert Langley, son	—
	[Heir of age]	Henry, son of Saml. Beamond	—
Oct. 11	[Ditto]	John, son of Henry Johnson...	—
1654			
Oct. 10	William Leaver	William Leaver, son, Kersall...	—
	Richard Tompson	Henry Shawe, heir apparent ...	—
	[Heir of age] ...	William, son of Wm. Hulme, Broadstone ...	—
	Richard Lomax	Richard Lomax, heir apparent	—
	Alexander Davy, Manchester ...	Alexander Davy, heir apparent	—
1656			
Oct. 7	[Heir by marriage] ...	James Lightbourne, married Jane, daughter of Adam Jepson, of Moston; lands there ...	—
	Thomas Sandiforth	John Sandiforth	—
	Richard Ingham	William Ingham, son... ...	—
1657			
Apr. 7	[Heir by marriage] ...	Samuel Sandford, in right of Elin his wife ...	—
Oct. 6	George Leigh, Esq., Barton ...	George Leigh, son	—
	John Hulme, gent., Hulme ...	William Hulme, son, of Hulme	—
	John Rogere	Roger Rogere, son	—
	Thomas Baxter	John Baxter	—
	Daniel Hopwood, gent.	Edmund Hopwood, son ...	—
	Edward Sheapard	Thomas Percival	—
	Edward Johnson	John Johnson, son	—
1660			
Apr. 26	Peter Heywood	Edmund Heywood, saddler ...	—
Oct. 9	Richard Radclyffe, Esq., Manchester	William Radclyffe, gent. ...	—
1661			
Oct. 7	[Heir by marriage] ...	Samuel Somersall, Mansfield, wife Ann (eldest daughter of William Bell, clerk)	—
1663			
Apr. 8	Richard Hunt, Manchester (long since) ...	Richard Hunt, eldest son ...	—
Oct. 6	Raphe Woollen	John Woollen, son	—
1664			
Oct. 4	[Heir at age]	John Gee	—
1665			
Oct. 3	[Heir by marriage] ...	Robert Kershaw, wife Ann (daughter of Jno. Jackson)	—
	John Leech	Nathan Leech, son	—
1666			
May 2	[Heir at age]	William, son of Wm. Byrom...	—
1669	[Ditto]	Richard, son of Richd. Fox ...	—

Date of Leet Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1669	[Heir at age]	James, son of Roger Neild ...	full
	[Heir by marriage] ...	John Alexander, wife Sarah (daughter of John Radclyffe) ...	—
	[Ditto] ...	Edmund Taylor, wife Martha Williamson (heir of Robert Bradshawe)	—
	[Ditto] ...	Humphrey Cheetham, wife Mary (daughter of John Whitworth) ...	—
1671			
Apr. 7	John Roberts	Samuel Roberts, son	—
	[Heir by marriage] ...	Thomas Hawkshead, wife Mary (daughter of Robert Beswick) ...	—
Oct. 6	Henry Beamond	Jeremiah Scholes	—
1672			
Apr. 17	[Heir at age]	Nicholas, son of John Bamford	—
Oct. 8	[Ditto]	Samuel, son of Samuel Owen...	—
1673			
Apr. 8	Richard Howarth, Esq., Manchester	Thomas Leigh, Esq. ...	—
	[Heir by marriage] ...	Peter Rawlinson, wife Hannah (daughter of Robert Slater) ...	—
Oct. 7	[Heir at age] ...	Edmund Trafford, Esq., son of Sir Cecyll Trafford, Knt.	—
	[Ditto]	William, son of John Whittle	—
	George Chetham	John Chetham, brother ...	—
1674			
Oct. 14	[Heir at age]	John, son of John Clayton ...	—
1675			
Apr. 13	Mrs. Isabel Mosley ...	William Plungen, grandson[80] (by will) ...	—
Oct. 12	William Radclyffe, Esq... ...	James Radclyffe, brother ...	—
1676			
Oct. 5	George Hilton, butcher... ...	James Hilton, son	—
	Henry Dickonson, sen. (living) ...	Samuel Dickonson, son ...	—
	Ditto	Henry Dickonson, son ...	—
	Thomas Illingworth, gentleman ...	Robert Illingworth, eldest son	—
	James Hynd, jun.	John Hynd, brother	—
	John Hartley, Esq. (living) ...	John Hartley, jun.	—
1677			
Oct. 4	Gabriel Browne, Manchester	William Browne, son, Smithy Door ...	—
1678			
Apr. 11	Joseph Worden	John Worden, son	—
	Edward Byrom	Edward Byrom, son	—
	James Lightbowne	Samuel Lightbowne, son ...	—
	Captain Nathan Wallworke ...	Nathan Wallworke, son ...	—
	James Wilson	William Wilson, son	—
Oct. 8	Thomas Beck	John Beck	—

[80] His grandmother left him a burgage called "The Hooke."

Date of Last Ct.	*Persons Dead since the last Court.*	*Name and Relationship of Heir.*	*Age of Heir.*
1679			
Apr. 29	Richard Meare	John Meare, son, London ...	full
Oct. 7	Francis Worthington, Manchester	John Worthington, son ...	—
1681			
Apr. 12	Thurstan Diggles	James Diggles, son	—
	Edward Byrom	Joseph Byrom, second son ...	—
Oct. 5	John Johnson	John Johnson, son	—
1682			
Apr. 28	[Heir by marriage] ...	John Pearson, Elizabeth his wife ...	—
1683			
Apr. 23	Joseph Hyham	Joseph Hyham, son	—
	Raphe Hugh	Daniel Hugh, son	—
	Henry Dickanson	Samuel Dickanson, son ...	—
1684			
Oct. 7	[Heir by marriage] ...	Robert Alexander, wife Elizabeth (sister of Joseph Higham) ...	—
1685			
May 7	Samuel Butler	Samuel Butler, son	—
1686			
Oct. 5	[Heir at age]	Ralph, son of Ralph Poole ...	—

APPENDIX IV.

CHURCHWARDENS OF THE PARISH OF MANCHESTER, FROM 1663 TO 1863 INCLUSIVE.

AS a fitting *pendant* to the list of boroughreeves and constables of Manchester, the following list of the churchwardens (usually three in number) of the extensive and populous parish of Manchester has been prepared; so that the reader may have reference at once to the names of the civil authorities of the town and manor, and to the parochial authorities of the more extensive parish, during nearly three centuries in the one case and during two centuries in the other. It is believed that this information is nowhere else to be found in print.

1663. Robert Marler, Thomas Elliott, Robert Ffarrand
1664. Philip Stampe, William Plungen, Lawrence Gardnor
1665. Joseph Werden, Edward Byrom, Roger Barlow
1666. Samuel Harmar, John Sandiford, William Williamson
1667. Edward Bootle, Thomas Dickinson, Thomas Bayley
1668. William Hunter, Matthew Greaves, Miles Bradshaw
1669. John Browne, Humphrey Marler, Ralph Shelmerdine
1670. John Moxon, Caleb Broadhead, Francis Cartwright
1671. Samuel Dickanson, Matthew Wright, Richard Crowther
1672. Richard Fox, Thomas Shawe, William Byrom
1673. Andrew Bury, Joseph Gillman, James Kay
1674. Joseph Higham, John Marler, Edmund Glover
1675. Joseph Briddon, Francis Browne, Matthew Bootle
1676. Roger Barlow, John Leadbeater, Edward Greaves
1677. Samuel Butler, Roger Mekin, Edward Syddall
1678. Caleb Broadhead, John Seddon, William Drinkwater
1679. Humphrey Marler, James Hilton, Thomas Drinkwater
1680. John Alexander, Edm. Dickanson, John Lister
1681. Edward Bootle, Thomas Walker, Joseph Sherwin
1682. John Marler, John Hollingworth, Michael Flitcroft
1683. Lawrence Gardner, Robert Illingworth, Thomas Neild
1684. John Sandiford, James Radclyffe, John Oldfield
1685. Samuel Dickanson, James Moss, Robert Alexander
1686. Edward Greaves, Robert Wilson, John Byrom
1687. John Leadbeater, Joseph Hooper, Geffery Holcroft
1688. Francis Cartwright, Samuel Brooke, John Heywood
1689. Joshua Brown, Samuel Lightboune, George Corbesley

1690. Thomas Nield, Thomas Bent, Jonathan Bevan
1691. R. Percival, Geo. Cheetham, Richard Nield
1692. Henry Dickanson, Edward Byrom, Samuel Lees
1693. Edmund Wands, Edward Scott, Joseph Slater
1694. John Oldfield, John Hopwood, Samuel Clowes
1695. Robert Alexander, Daniel Woolmer, Robert Delves
1696. Joseph Hooper, Joseph Byrom, Samuel Wharmbye
1697. Samuel Brooke, W. Edmundson, George Grimshaw
1698. Jo. Lightboun, Peter Heywood, Ambrose Yates
1699. R. Percivall, Francis Davanport, Ralph Worsley
1700. Samuel Lees, George Loyd, William Crompton
1701. John Heywood, Benjamin Bower, John Wagstaffe
1702. Edward Byrom, William Plungen, Robert Ravald
1703. Edward Scott, George Corbisley, James Bayley
1704. Thomas Neild, John Lees, George Battersbee
1705. Roger Sedgwick, Edmund Beswick, Samuel Pendleton
1706. Daniel Woolmer, William Shrigley, John Moss
1707. Daniel Woolmer, William Shrigley, John Moss
1708. Daniel Woolmer, William Shrigley, John Moss
1709. William Shrigley, Thomas Illingworth, Richard Butler
1710. Ralph Worsley, Peter Wagstaff, Gamaliel Lloyd
1711. James Taylor, Robert Slott, John Buerdsill
1712. Francis Davenport, Ra. Houghton, John Scholes
1713. Thomas Illingworth, Matthew Greaves, Richard Holden
1714. Matthew Greaves, Richard Holden, John Millington
1715. Samuel Clowes, John Leech, Miles Nield
1716. Thomas Bradshaw, James Bradshaw, Robert Bowker
1717. John Scholes, Robert Bowker, Robert Lancashire
1718. Gamaliel Loyd, James Lightbourne, James Walker
1719. John Leech, William Holme, William Clayton
1720. William Holme, John Nicholson, Richard Davenport
1721. John Buerdsell, James Birch, James Sedgwick
1722. Richard Holden, Thomas Foxley, John Dickinson
1723. James Lightboune, Samuel Bordman, Lomax Lewis
1724. Samuel Bordman, Jeremiah Bower, Thomas Bayley
1725. Jeremiah Bower, Samuel Clowes jun., Robert Wilson
1726. Jeremiah Bradshaw, Josiah Nicholls, James Wroe
1727. Thomas Foxley, Jonathan Patten, John Hawkswell
1728. John Moss, Thomas Clowes, Miles Nield
1729. John Dickinson, John Illingworth, Thomas Clowes
1730. John Dickinson, John Illingworth, Thomas Clowes
1731. John Dickinson, John Illingworth, Thomas Clowes
1732. John Dickinson, Thomas Clowes, James Edge
1733. John Dickinson, Thomas Clowes, James Edge
1734. George Battersbee, John Lees jun., William Starkie
1735. Josiah Nicholls, John Clowes, Thomas Stevenson
1736. Robert Bowker, Robert Fielding, Robert Livesey
1737. Robert Bowker, Robert Fielding, Robert Livesey
1738. Robert Wilson sen., Samuel Ridings, Miles Bower
1739. Samuel Riding, Miles Bower, Richard Whitehead
1740. James Bottomley, Thomas Battersbee, Edward Goddard
1741. Ralph Woolner, Joseph Allen, Nathaniel Phillips
1742. Robert Livesey, James Atkin, Robert Gartside
1743. Edward Byrom, Thomas Parker, James Liptrot

1744. James Edge, Joseph Bancroft, John Markland
1745. Joseph Bancroft, Joseph Alexander, Thomas Tipping jun.
1746. Joseph Alexander, Thomas Parrott, James Bateman
1747. Thomas Parrott, Otho Cooke, Robert Ayrton
1748. Otho Cooke, John Gatliffe, Charles Ford
1749. James Liptrot, John Stott, Thomas Phillips
1750. John Stott, Edward Borron, Samuel Edgley
1751. Samuel Edgley, Henry Hindley, Samuel Goodier
1752. Samuel Edgley, Henry Hindley, Samuel Goodier
1753. William Starkie, John Wood, Henry Byrom jun.
1754. Edward Byrom jun., Joseph Champion, John Fielden
1755. Joseph Champion, Charles Newdigate, Thomas Boardman
1756. Thomas Chadwick, James Greatrix, John Gatley
1757. James Greatrix, Joshua Marriott, John Heywood
1758. Henry Hindley, John Upton, Edward Markland
1759. Thomas Battersbee, Thomas Gardner, James Borron
1760. Thomas Tipping jun., John Hardman, Walter Wilson
1761. John Hardman. James Hodson, Richard Leigh
1762. James Hodson, Thomas Arrowsmith, Daniel Whittaker
1763. Daniel Whittaker, Henry Fielding, Matthew North
1764. James Borron, Lawrence Gardner, John Whittaker
1765. Lawrence Gardner, John Bell, Jonathan Patten jun.
1766. Henry Fielden, William Allen, Edward Place
1767. William Allen, George Johnson, John Hargreaves
1768. Charles Ford, William Bullock, Edward Hudson
1769. William Bullock, William Borron, James Clough
1770. James Clough, Edward Rushton, James Harrison
1771. Edward Rishton, Joseph Ryder, James Clough
1772. Joseph Ryder, George Bramall, James Morton
1773. Joseph Ryder, George Bramall, Benjamin Bower
1774. George Bramall, Edward Woodworth, John Howard
1775. James Clough, John Wright, Samuel White
1776. John Wright, James Cooke, Samuel Billinge
1777. James Cooke, James Billinge, William Hurst
1778. James Billinge, Thomas Chadwick, James Bateman
1779. William Hurst, James Bateman, Dauntesey Hulme
1780. James Bateman, George Barton, Edward Hulme
1781. George Barton, James Entwistle, Henry Worrell
1782. James Entwistle, Henry Worrell, George Walker
1783. Henry Worrell, Henry Barton, Richard Barlow
1784. Henry Barton, Dauntesey Hulme, Thomas Darwell
1785. Dauntesey Hulme, Jonathan Beever, Joseph Beetson
1786. Jonathan Beever, Joseph Beetson, John Leaf
1787. Joseph Beetson, John Leaf, John Withington
1788. Edward Pluce, John Poole, Thomas Stott jun.
1789. John Poole, Thomas Stott jun., William Hodson
1790. William Hodson, Henry Farrington, Thomas Sharp
1791. John Leaf, Charles Horsfall, James Wilde jun.
1792. Charles Horsfall, David Lock, Samuel Gardner
1793. David Lock, Samuel Gardner, Thomas Ollivant
1794. Charles Wood, John Varley, William Cooper
1795. Benjamin Wilson, John Tetlow, Thomas Holland
1796. James Hibbert, John Stonehouse, Bold Cooke
1797. Bold Cooke, Richard Meddowcroft, Philip Wilkington

1798. Philip Wilkington, John Walker, George Burgess
1799. Thomas Wilkinson, Robert Slack, Henry Layland sen.
1800. Thomas Wilkinson, John Miller, John Fitton
1801. John Miller, Thomas Blackwall, William Townend
1802. Joseph Seddon, Peter Fletcher, Oliver Hargreaves
1803. John Parker, James Ollivant, Joseph Ablett sen.
1804. Francis Parker, Benjamin Williams, John Dawson
1805. Otho Hulme, Samuel Barker, Thomas Belcher
1806. Otho Hulme, Samuel Barker, Thomas Jackson
1807. John Atkinson, George Fletcher, Thomas Darwell sen.
1808. John Ratcliffe, William Wanklyn, John Singleton
1809. John Arrowsmith, William Johnson Edensor, Joseph Smith
1810. Joseph Green, John Allen, John Greenwood
1811. George Grundy, William Harrison, John Orford
1812. Robert Peel, F. M. Mallalieu, Robert Millington
1813. Thomas Dunnington, William Lomas, Robert Chadwick
1814. T. Salter, Josiah Kearsley, Thomas Brierley
1815. William Sandford, Jonathan Dawson, James Beardoe
1816. John Bradshaw, James Nicholls, David Scott
1817. William Roylance, Richard Runcorn, Joseph Todd
1818. James Brierley, Francis Marris, George Neden
1819. James Brierley, William Sowden, Richard Warren
1820. Robert Andrew, Robert Duck, Henry Newbery
1821. Thomas Worthington, Thomas Parker, Samuel Knight
1822. Jonathan Andrew, Charles Greenway, Daniel Broadhurst
1823. Jonathan Andrew, Thomas Cardwell, Richard Potter
1824. Richard Smith, Beresford Turner, Richard Ormrod
1825. John Poole, Thomas Hilton, John Kenworthy
1826. Richard Clegg, James Oughton, Robert Tebbutt
1827. James Ramsbottom, John Walker, Charles Smith
1828. Thomas Hardman, James Hibbert Wanklyn, Benjamin Braidley
1829. John Powell, George Faulkner, Richard Prest
1830. Francis A. Phillips, Thomas Townend, William Crossley
1831. Robert Ogden, Samuel Fletcher, William Crossley
1832. George Withington, James Wood, Evan Evans
1833. James Collier Harter, Robert Barbour, Evan Evans
1834. Thomas Smalley Potter, William Allen, James Consterdine
1835. John Bradshaw Wanklyn, Joseph Peel, William Atkinson
1836. Robert Chapman Sharp, Francis Roger Hodgson, George Peel
1837. Richard Gould, Henry Farington, William Cooper
1838. George Clarke, James William Fraser, John Holt
1839. George Clarke, Thomas Armstrong, David Waddington
1840. James Hatton, Thomas Hornby Birley, Joseph Jackson
1841. John Sharp, Edward Brooke, James Smith
1842. Richard Birley, Robert Gladstone, John Pooley jun.
1843. William Stewart, John Thomas Price, Thomas Edward Pickford
1844. Richard Hole, James Lees, George Dewhurst
1845. James Lees, W. C. Brooks, Matthew Kennedy
1846. W. C. Brooks, Charles Hickson, W. Courtenay Cruttenden
1847. W. C. Brooks, Charles Hickson, W. Courtenay Cruttenden
1848. W. B. Watkins, John Morley, Peter Coupland
1849. Richard Birley, John Morley, Thomas Clegg
1850. Richard Birley, John Morley, Thomas Clegg
1851. James Dorrington, J. M. Bennett, C. E. Cawley

1852. Charles Edward Cawley, Malcolm Ross, Hugh Birley
1853. Malcolm Ross, John M^c^Clure, George Fereday Smith
1854. John M^c^Clure, Arthur Henry Heywood, William Henry Bradley
1855. John Todd, Peter Fairbairn, Thomas Mayne Sterling
1856. John Todd, Peter Fairbairn, Richard Irving
1857. Edward Hardcastle, Herbert Birley, Henry Mere Ormerod
1858. Herbert Birley, Henry Mere Ormerod, George Edward Balfour
1859. Herbert Birley, Henry Mere Ormerod, George Edward Balfour
1860. Herbert Birley, Arthur H. Heywood, William Romaine Callender jun.
1861. Herbert Birley, William Romaine Callender jun., John Sudlow
1862. John Sudlow, James Chadwick, James Rogerson
1863. John Sudlow, James Chadwick, James Rogerson

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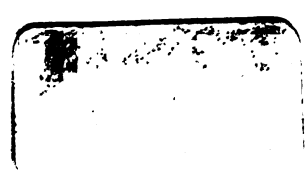
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